

imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. In 2010, the government reported investigating 2,333 suspected trafficking offenders, compared with investigating 2,521 suspects in 2009. Italian prosecutors brought to trial 621 trafficking offenders, and trial courts convicted 174 trafficking offenders under Italy's 2003 trafficking law in 2010, compared to 166 convictions in 2009. The average sentence imposed on offenders convicted under the country's trafficking law was 6.5 years in prison. Trafficking offenders convicted for exploitation of underage prostitution and slavery laws were given sentences averaging 3.5 and 1.5 years, respectively. The government did not disaggregate its data to demonstrate convictions of forced labor offenders. The government continued to investigate acts of trafficking-related complicity involving officials, including the April 2011 arrest of two Palermo police officers for extorting women in prostitution; the government indicted one of the two policemen on January 18, 2012, and the other entered a guilty plea on January 25, 2012. The government did not report any further information regarding a May 2010 case involving the arrest of two police officers suspected of trafficking-related complicity in a nightclub in Pisa and a December 2009 case in which authorities charged two prison guards with exploitation of women in prostitution. In April 2011, a trial began for former Prime Minister Berlusconi for the alleged commercial sexual exploitation of a Moroccan minor. During the reporting period, the government continued to conduct specialized training on victim identification and investigation of trafficking for law enforcement agencies.

Protection

The Italian government continued its strong efforts to identify and protect victims of trafficking by promoting a flexible, victim-centered approach to identifying potential trafficking victims. Although Italy does not have a formal reflection period during which trafficking victims can recuperate and decide whether to assist law enforcement, authorities informally grant this to victims and do not limit it to a finite number of days. NGOs praised the good results of this approach when combined with comprehensive assistance. The government reported it identified and referred for care 724 new trafficking victims in 2011, and it continued to provide comprehensive assistance to 836 victims referred in previous years. The government reported 23 percent of all victims assisted in 2011 were men, and 6.5 percent were children. Article 13 of the Law 228/2003 provides victims with three to six months' assistance while Article 18 of Law 286/1998 guarantees victims shelter benefits for another 12 months and reintegration assistance. Application of this article is renewable if the victim finds employment or has enrolled in a training program and is sheltered in special facilities. Foreign child victims of trafficking received an automatic residence permit until they reached age 18. Government funding for victim assistance, primarily through the funding of NGOs by national, regional and local authorities, was the equivalent of approximately \$13 million in 2011.

Victims are not required to cooperate with police in order to receive a residence permit. The government reported it issued 1,078 temporary residence visas in 2011; although this number likely includes victims of other forms of exploitation. Further, it reported it issued 608 renewals of residency permits in 2011. The top three countries of origin of assisted victims were Nigeria, Romania, and Morocco. The government reported that

68 percent of assisted victims cooperated with police in the investigation of their exploiters. While there are arrangements at the local level to help guide officials in identifying and referring trafficking victims, the government has yet to adopt formal procedures on the national level for all front-line responders in Italy. NGOs reported the quality of the referral process for victims varied from region to region.

During the reporting period, the government continued to implement anti-immigration security laws and policies resulting in fines for illegal migrants and their expedited expulsion from Italy. Italian authorities did not screen these migrants to identify trafficking victims. In February 2012, the European Court of Human Rights ruled that the Italian government's "push-back" policy, in effect for several months in 2009, of intercepting migrants on the high seas and sending them to detention camps in Libya violated the migrants' right to seek asylum and placed them at risk of hardship or retribution in Libya or in their country of origin.

Prevention

The Government of Italy sustained its anti-trafficking prevention efforts in 2011. The Ministry for Equal Opportunity, through a committee that included independent experts and NGOs, completed Italy's first national action plan on trafficking and submitted the draft plan to Parliament in January 2012. According to country experts, the Eurozone crisis resulted in increased unemployment among foreign workers in Italy, thus increasing their vulnerability to exploitation. On August 13, 2011 the government issued a decree to criminalize and increase penalties for labor brokers who exploit vulnerable workers. The law provides sentences of five to eight years and fines; sentences are increased to 10-24 years for child victims or if victims are exposed to health hazards. The government demonstrated some transparency in its anti-trafficking efforts by maintaining a monitoring system on the regional and national level in conjunction with anti-trafficking NGOs in 2011, but it did not monitor or report publicly on its various measures to address the problem.

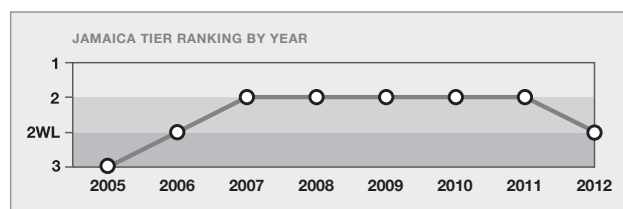
The Ministry of Tourism implemented a program from 2010 to 2011 to reduce child sex tourism by issuing certificates of responsible tourism to travel agencies and tour operators for their outreach to potential clients and implemented a country-wide media campaign to promote awareness among potential clients of child sex tourism. The Italian armed forces regularly continued to organize training to prevent the trafficking or sexual exploitation of women and children by Italian troops who are deployed abroad on international peacekeeping missions.

JAMAICA (Tier 2 Watch List)

Jamaica is a source, transit, and destination country for adults and children subjected to sex trafficking and forced labor. The exploitation of local children in the sex trade, a form of sex trafficking, remains a problem. The media has reported that pimps are luring Jamaican children under age 18 into prostitution, especially in urban areas in Jamaica. NGOs and the government remain alarmed at the high number of missing children and are concerned that some of these children are falling prey to sex trafficking. Sex trafficking of children and adults likely occurs on the street, in night clubs, bars, and private homes. In addition, massage parlors in

Jamaica reportedly often lure women into prostitution under the false pretense of employment as massage therapists and then withhold their wages and restrict their movement – key indicators of human trafficking. People living in Jamaica's poverty-stricken garrison communities, territories ruled by criminal "dons" that are effectively outside of the government's control, are especially at risk. An NGO working with street children reported that forced labor of children in street vending is prevalent. There is evidence that foreign nationals are subjected to forced labor in Jamaica. There were reports that Jamaican citizens have been subjected to sex trafficking or forced labor abroad, including throughout the Caribbean, Canada, the United States, and the UK.

The Government of Jamaica does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government failed to demonstrate evidence of increasing efforts to address human trafficking over the previous reporting period; therefore Jamaica is placed on Tier 2 Watch List. The government identified only one victim during the reporting period and reported no convictions of trafficking offenders, thus highlighting serious concerns about a lack of accountability for trafficking offenders and any officials complicit in human trafficking.



Recommendations for Jamaica: Vigorously prosecute, convict, and punish trafficking offenders, including officials complicit in forced labor or sex trafficking; ensure prescribed penalties for human trafficking are commensurate with penalties for other serious crimes, such as forcible sexual assault; implement standard operating procedures to guide police, labor inspectors, child welfare officials, health workers, and other government workers in the proactive identification of local, as well as foreign victims, of forced labor and sex trafficking – including children under age 18 in prostitution in night clubs, bars, and massage parlors – and their referral to adequate service providers; and explore using existing partnerships with NGOs to expand awareness activities, particularly prevention campaigns directed at youth and potential clients of the sex trade.

Prosecution

The government made limited progress in the prosecution of trafficking offenders during the reporting period. The government prohibits all forms of trafficking through its comprehensive Trafficking Act of Jamaica, which went into effect in 2007. Punishments prescribed for human trafficking under the Act extend up to 10 years' imprisonment, which are sufficiently stringent but do not appear to be commensurate with penalties prescribed for other serious crimes, such as rape. The government initiated three new trafficking investigations, one new labor trafficking prosecution, and one new sex trafficking prosecution during the reporting period. Ten prosecutions from previous reporting periods, including four initiated during the preceding year, remained ongoing. The

government reported no convictions of trafficking offenders during the year; there were no convictions during the preceding year. The government reported no investigations, prosecutions, or convictions of officials complicit in human trafficking. In an effort to strengthen awareness and law enforcement efforts, the government funded and conducted in collaboration with a local NGO a human trafficking sensitization seminar in April 2011 for approximately 32 members of the Jamaica Constabulary Force. In December 2011, the government funded an NGO to implement training for hotline operators on handling human trafficking cases.

Protection

The government made limited progress in the protection of trafficking victims during the reporting period. The government identified only one new trafficking victim – an underage girl whose family member was selling her for sex. The lack of victims identified raised concerns that the government did not employ standard operating procedures to guide front-line responders, such as police, labor inspectors, child protection officials, and health officials, in proactive identification of human trafficking and referral of suspected cases for assistance. The government placed the one identified victim in a temporary shelter for abused girls, with a longer term plan of seeking placement for the girl with extended family. Officials provided assistance and safe voluntary repatriation in cooperation with IOM for four foreign labor trafficking victims identified in the previous reporting period. The government reported spending the equivalent of approximately \$12,700 on services for trafficking victims including, shelter, counselling, clothing, and meals; this compares with the equivalent of \$176,470 that it spent on victim protection during the preceding year. A trafficking-specific shelter mentioned during previous reporting periods had yet to shelter any trafficking victims and reportedly was not operational. Jamaican officials encouraged victims to participate in investigations and prosecutions of trafficking offenders. The Trafficking Act of Jamaica guarantees that trafficking victims are immune from prosecution for immigration or prostitution violations committed as a direct result of their being subjected to forced prostitution or forced labor; there were no allegations of victim punishment during the reporting period. In accordance with Jamaica's anti-trafficking law, the government provided formal guidance for immigration officials, advising them not to deport foreign victims, and it provided temporary immigration relief to at least four foreign trafficking victims during the reporting period.

Prevention

The government demonstrated some trafficking prevention efforts during the reporting period. The government did not implement a national trafficking awareness campaign but acknowledged Jamaica's human trafficking problem. The government's anti-trafficking task force, which met on a monthly basis, expanded its outreach efforts and included many more government organizations (including the education, tourism, and health ministries along with the Office of the Children's Advocate and the justice training institute) and NGOs. The task force also reached out to NGOs operating in tourism hubs across Jamaica to establish collaborative relationships that will lead to better understanding and possible identification of child sex tourism on the island. A government-operated general crime victim hotline offered specialized assistance to persons reporting human trafficking.

The government hosted a national plan of action workshop, including multiple stakeholders, and began work on a national plan of action against human trafficking. The government did not report any efforts to reduce the demand for commercial sex acts.

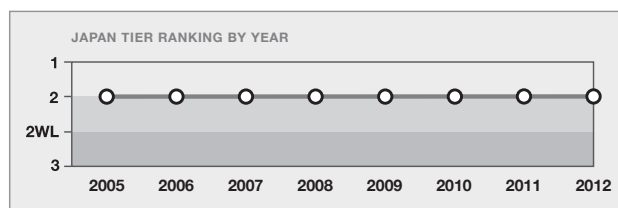
JAPAN (Tier 2)

Japan is a destination, source, and transit country for men and women subjected to forced labor and sex trafficking, and for children subjected to sex trafficking. Male and female migrant workers from China, Indonesia, the Philippines, Vietnam, and other Asian countries are sometimes subject to conditions of forced labor. Some women and children from East Asia, Southeast Asia, South America, and, in previous years, Eastern Europe, Russia, and Central America who travel to Japan for employment or fraudulent marriage are forced into prostitution. During the reporting period, Japanese nationals, particularly teenage girls and foreign-born children of Japanese citizens who acquired nationality, were also subjected to sex trafficking. In addition, traffickers continued to use fraudulent marriages between foreign women and Japanese men to facilitate the entry of these women into Japan for forced prostitution. Japanese organized crime syndicates (the *Yakuza*) are responsible for some trafficking in Japan, both directly and indirectly. Traffickers strictly control the movements of victims, using debt bondage, threats of violence or deportation, blackmail, and other coercive psychological methods to control victims. Victims of forced prostitution sometimes face debts upon commencement of their contracts and most are required to pay employers additional fees for living expenses, medical care, and other necessities, leaving them predisposed to debt bondage. "Fines" for misbehavior are added to victims' original debt, and the process that brothel operators use to calculate these debts was not transparent. Japan is also a transit country for persons in trafficking situations traveling from East Asia to North America. Japanese men continue to be a significant source of demand for child sex tourism in Southeast Asia, and, to a lesser extent, Mongolia.

The Government of Japan has not officially recognized the existence of forced labor within the Industrial Trainee and Technical Internship Program, a government-run program designed to foster basic industrial skills and techniques and to provide opportunities to acquire practical skills and techniques. However, the government made a number of efforts to address labor abuses in the program. Media and NGOs continued to report on abuses in the program, though to a lesser extent than in previous years, and abuses included debt bondage, restrictions on movement, unpaid wages and overtime, fraud, and contracting workers out to different employers – elements which may signal trafficking situations. The majority of technical interns are Chinese nationals, some of whom pay fees of up to the equivalent of \$1,400 to Chinese labor brokers or deposits of up to the equivalent of \$4,000 prior to their departure from China; these fees sometimes require aspiring workers to take out loans or to place liens on their property, potentially leading to situations of debt bondage. Although banned since 2010, these fees, deposits, and "punishment" contracts continue to be prevalent for Chinese participants in the program. Reports of trainees having their passports and other travel documents taken from them and their movements controlled to prevent escape or communication declined, a

trend that labor activists credited to increased government scrutiny of these practices.

The Government of Japan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the Japanese government did not develop or enact anti-trafficking legislation that would fill key gaps in facilitating anti-trafficking prosecutions, and the government did not arrest, prosecute, or convict a single forced labor perpetrator in 2011. Increased enforcement of labor laws in the foreign trainee program, however, led to a decline in reported abuses in the program according to non-governmental sources. During the year, the government published a manual for law enforcement and social service providers on protecting trafficking victims and continued to mandate anti-trafficking training to law enforcement officials. While the government identified 45 adult female sex trafficking victims and 619 minor victims of child prostitution, it identified no male victims for either forced labor or forced prostitution. Protective services for trafficking victims remained limited, with no shelters purposed exclusively for trafficking victims in Japan. While the government made efforts to raise awareness to prevent trafficking, sources reported that some of the outreach campaigns the government undertook were ineffective and did not reach target audiences.



Recommendations for Japan: Draft and enact a comprehensive anti-trafficking law prohibiting all forms of trafficking and prescribing sufficiently stringent penalties that are commensurate with other serious crimes; significantly increase efforts to investigate and prosecute forced labor cases, and punish offenders with jail time; increase the enforcement of bans on deposits, punishment agreements, withholding of passports, and other practices that contribute to forced labor in the foreign trainee program; continue to proactively investigate and, where warranted, punish government complicity in trafficking or trafficking-related offenses; further expand and implement formal victim identification procedures to guide officials in the identification of forced labor; continue to ensure victims are not punished for unlawful acts committed as a direct result of being in a human trafficking situation; establish protection policies for all victims of trafficking, including male victims and victims of forced labor; ensure that protection services, including medical and legal services, are fully accessible to victims of trafficking regardless of income; and aggressively investigate, prosecute, and punish Japanese nationals who engage in child sex tourism.

Prosecution

The Japanese government continued to make progress in prosecutions and convictions of forced prostitution of women and children; however, the government did not make significant progress combating labor trafficking or trafficking of male victims during the reporting period. Japan's 2005 amendment to its criminal code, which prohibits the

buying and selling of persons, provides a narrow definition of trafficking that is not in line with the 2000 UN TIP Protocol, and it is not clear if the existing legal framework criminalizes all severe forms of trafficking in persons. These laws prescribe punishments ranging from one to 10 years' imprisonment, which are sufficiently stringent and generally commensurate with penalties prescribed for other serious crimes. In 2011, the government reported 25 investigations for offenses related to sex trafficking that resulted in 20 convictions, 18 of which carried prison sentences that ranged from 18 months to four years' imprisonment. The government also reported 842 investigations related to child prostitution and reported 470 convictions on charges of child prostitution, 74 of which carried prison sentences that ranged from less than a year to three years. Despite indications of forced labor in the Industrial Trainee and Technical Internship Program, the government reported one forced labor investigation, and no labor trafficking arrests, prosecutions, or convictions during the reporting period. The National Police Agency (NPA), Ministry of Justice, Bureau of Immigration, and the Public Prosecutor's office continued to train law enforcement officers on trafficking investigation and prosecution techniques. During the reporting period, all new police officers, all senior officials from prefectural police departments, and all immigration officers received training on trafficking investigation and identification techniques. Further, 63 prosecutors received specialized training on conducting trafficking prosecutions.

Most allegations of abuse or forced labor involving workers in the Trainee and Technical Internship Program were settled out of court or through administrative or civil hearings, resulting in penalties which would not be sufficiently stringent for cases involving trafficking offenses, such as forced labor. NGOs and labor activists report that the increased inspections of trainee program worksites as well as labor standards seminars provided to employers participating in the program have been successful in decreasing the incidence of abuse and forced labor in the program. The resolution of a civil compensation case documented in the 2011 TIP Report involving a 31-year-old Chinese trainee who died due to overwork had not been resolved by the end of the reporting period.

In addition, while the government took some steps to prevent government complicity in trafficking offenses, including prostitution, corruption remains a serious concern in the large entertainment industry in Japan. The government did not report investigations, prosecutions, convictions, or jail sentences against any official for trafficking-related complicity during the reporting period. The government actively investigated a February 2012 case in which a retired police chief was arrested in Japan for soliciting child prostitution.

Protection

The Government of Japan demonstrated modest efforts to protect victims of human trafficking over the last year. The government increased identification of sex trafficking victims in 2011, identifying 45 adult female victims, compared to the 43 victims identified during 2010. One of these victims had originally entered Japan as a participant in the Industrial Trainee and Technical Internship Program. The government has not identified a forced labor victim in Japan in 18 years, despite substantial evidence of abuses against workers in the Industrial Trainee and Technical Internship Program. Japanese authorities produced and distributed to officials a manual entitled, "How to Treat Human Trafficking Cases: Measures

Regarding the Identification of Victims." The manual's focus, however, appears to be primarily on identifying the immigration status of foreign migrants and their methods of entering Japan, rather than identifying indicators of non-consensual exploitation of vulnerable populations. However, this manual led to the identification of trafficking victims in four prefectures that had never before identified victims. The government reported no specific protection policy or specialized services for victims of forced labor. Japan has no dedicated shelters for trafficking victims or clear sheltering resources for male victims. The government continued to provide general (not specific to human trafficking) funding for Japan's 43 Women's Consulting Center shelters (WCCs), which largely care for Japanese domestic violence victims but also served 37 foreign trafficking victims during the reporting period. Due to limitations on these shelters' space, language, and counseling capabilities, WCCs sometimes referred victims to government subsidized NGO shelters. Victims in WCC shelters are technically able to leave the facility at will; however, security concerns are often asserted as the basis for requiring that facility personnel accompany the victims on outings. The government covers medical expenses in full for foreign and domestic victims while they shelter in government-run facilities; however, according to several organizations and government officials, referral to medical and psychological services for trafficking victims was inconsistent, and some victims were not referred to or offered these services in 2011. The government recognized and worked to correct these disparities, briefing victims prior to their arrival at the shelters, providing flyers at the shelters, and training WCC staff on available services.

According to NGOs, many victims refused to seek government assistance, due both to a fear of government authorities instilled in them by their traffickers, and, in some instances, fear of arrest and punishment for unlawful acts victims committed as a direct result of being trafficked. Some victims were also reluctant to seek government assistance due to the overall lack of protective services available to identified trafficking victims. Some trafficking victims were successfully identified by law enforcement subsequent to arrest or detention. The government-funded Legal Support Center provided *pro bono* legal services to destitute victims of crime, including trafficking victims, though it was unclear how many trafficking victims, if any, received government-funded legal services during the reporting period. The Japanese government identified 619 victims of child prostitution in the reporting period and the government juvenile protection agency provided protection services to these victims. Furthermore, while authorities reportedly encouraged victims' participation in the investigation and prosecution of their traffickers, victims were not allowed to work while participating in the investigative and prosecutorial process. While long-term residency visas are available to persons identified as trafficking victims who fear returning to their home country, only one person has sought or received this benefit in the past. No trafficking victims were granted long-term residency visas during the reporting period.

Prevention

The Japanese government made limited efforts to prevent trafficking in persons during the reporting period. The National Police Agency (NPA) and the Immigration Bureau updated and expanded multilingual emergency contact information for potential victims of trafficking. While the government distributed handbills with multilingual emergency contact

information for potential victims of trafficking at local immigration offices and to governments of source countries, NGOs reported that many of these publicity efforts had little impact and failed to engage their intended audiences. The Immigration Bureau continued to conduct an online campaign to raise awareness of trafficking and used flyers to encourage local immigration offices to be alert for indications of trafficking.

For years, Japan has served as a source of demand for child sex tourism. Japanese men have traveled to and engaged in the commercial sexual exploitation of children in other Asian countries – particularly Thailand, Indonesia, Cambodia, the Philippines, and, to a lesser extent, Mongolia. During the reporting period, one person was convicted under a Japanese law that allows nationals to be tried in Japanese courts for engaging in sex with minors or producing child pornography overseas. Japan is not a party to the 2000 UN TIP Protocol, the only G-8 country that remains a non-party.

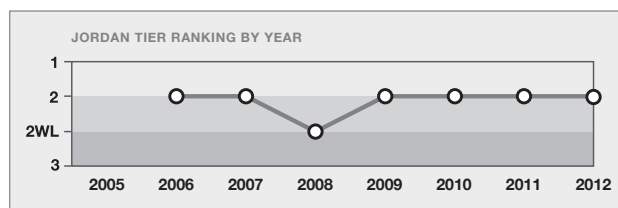
JORDAN (Tier 2)

Jordan is a destination and transit country for adults and children subjected to forced labor and, to a lesser extent, sex trafficking. Women from Sri Lanka, Indonesia, and the Philippines voluntarily migrate to Jordan for employment as domestic workers; some are subjected to conditions of forced labor after arrival, including through such practices as unlawful withholding of passports, restrictions on movement, nonpayment of wages, threats of imprisonment, and physical or sexual abuse. Jordan's sponsorship system binds foreign workers to their designated employers without adequate access to legal recourse when they face abuse and without the ability to switch employers, thereby placing a significant amount of power in the hands of employers and recruitment agencies. Migrant workers are further rendered vulnerable to forced labor due to indebtedness to recruiters, negative societal attitudes toward foreign workers, and legal requirements that foreign workers rely on employers to renew their work and residency permits.

Chinese, Taiwanese, Bangladeshi, Indian, Sri Lankan, Nepali, and Vietnamese men and women, in addition to an increasing number of Burmese and Malagasy workers, continue to migrate for work in factories in Jordan's garment industry. Some of these workers encounter conditions indicative of forced labor, including unlawful withholding of passports, delayed payment of wages, forced overtime, and verbal and physical abuse; female factory workers are also vulnerable to sexual harassment. Egyptian migrant workers may experience forced labor in the construction and building maintenance sectors, while Egyptians and, to a lesser extent, Syrian workers also face conditions of forced labor in the agricultural sector. Over the last year, violence in Syria has caused thousands of Syrians, as well as third country nationals living in Syria, to flee to neighboring countries, including Jordan; some of these migrants, which could include trafficking victims, may be further susceptible to situations of forced labor or forced prostitution in Jordan. Moroccan, Tunisian, and Eastern European women are subjected to forced prostitution after migrating to Jordan to work in restaurants and night clubs; moreover, some out-of-status Indonesian, Filipina, and Sri Lankan domestic workers are reportedly forced into prostitution. NGO reporting suggests that some Egyptian

women receive marriage offers from Jordanian men as second wives, but are then subjected to conditions of forced labor. Small numbers of Jordanian adults are subjected to forced labor as low-skilled workers in Qatar and Kuwait, while Jordanian children employed within the country as mechanics, agricultural laborers, and beggars may be exploited in situations of forced labor. Some Jordanian girls are forced to drop out of school to perform domestic service under conditions of forced labor; these "homebound girls" are confined to the home and denied their constitutionally protected right to complete their education.

The Government of Jordan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government sustained law enforcement efforts against trafficking offenders and police continued to refer trafficking victims to shelter services. The government's anti-trafficking efforts, however, continued to be hindered by several government reshuffles, limited capacity in key ministries, and a general lack of inter-ministerial coordination and cooperation. The government accomplished little to implement its national anti-trafficking action plan; however, the cabinet approved by-laws to establish a shelter for victims of trafficking in March 2012. It also failed to enforce consistently its bylaws that provide standards for employing domestic workers and operating recruitment agencies, and did not launch an anti-trafficking public awareness campaign.



Recommendations for Jordan: Using the anti-trafficking statute, increase efforts to investigate, prosecute, convict, and sentence trafficking offenses; strengthen efforts to proactively identify victims of forced labor and forced prostitution and continue to implement the National Screening Team; amend the forced labor statute to increase prescribed penalties for forced labor offenses; implement an awareness campaign to educate the general public and foreign migrant workers in all sectors on human trafficking, particularly forced labor and the proper treatment of domestic workers under Jordanian law; issue regulations governing work in the agricultural sector; enhance protective services for trafficking victims to include the availability of adequate shelter; ensure identified victims are not punished for unlawful acts committed as a direct result of their being trafficked; ensure that identified trafficking victims are promptly referred by law enforcement, social services, and labor officials to protection services using a standardized procedure; and, where appropriate, increase bilateral partnerships and systematic information sharing with governments of source countries to better protect migrant workers from abuse and resolve cases of alleged exploitation.

Prosecution

The Government of Jordan made some efforts in responding to Jordan's human trafficking problem through law enforcement means, yet police officials did not always view withholding passports and nonpayment of wages as indicators of human

trafficking. The 2008 Anti-Human Trafficking Law prohibits all forms of trafficking and prescribes penalties of six months to 10 years' imprisonment for forced prostitution, child trafficking, and trafficking of women and girls; these penalties are sufficiently stringent, but not commensurate with those for other serious crimes, such as rape. Penalties prescribed for labor trafficking offenses against men that do not involve aggravating circumstances are limited to a minimum of six months' imprisonment and a maximum fine of the equivalent of \$7,000 – penalties that are not sufficiently stringent. Jordan's labor law assigns administrative penalties for labor violations committed against Jordanian or foreign workers, yet these penalties also are not sufficiently stringent to deter the serious crime of human trafficking. In 2011, the Public Security Directorate's (PSD) anti-trafficking unit, housed within the Criminal Investigations Division, reported its investigation and referral to prosecutors of 13 cases of trafficking, seven of which involved domestic workers, five involving workers from garment factories, and one involving sexual exploitation; these 13 cases involved a total of 38 victims. As the PSD did not provide information on the details of these cases, it is unclear whether they constitute human trafficking crimes. In 2011, the government prosecuted 14 cases of forced labor involving domestic workers and six cases of sex trafficking under the anti-trafficking law. Although 37 individuals were apprehended for suspected trafficking offenses, the government convicted four trafficking offenders under the anti-trafficking law, compared to six convictions achieved in 2010; the offenders received sentences ranging from one year to three years' imprisonment.

In December 2011, Guatemalan authorities arrested and charged two Jordanian nationals with human trafficking offenses and forging documents for allegedly operating an international sex trafficking ring. Guatemalan prosecutors reportedly sought, but could not obtain, cooperation from the Jordanian government to investigate this case. Two cases remained pending from 2010, including the prosecution of two suspected trafficking offenders for forcing two Tunisian women into prostitution and the prosecution of a man charged with the sexual assault of his domestic worker. The 2010 prosecution of an employer who allegedly confined a Sri Lankan domestic worker to the house without pay for more than 10 years resulted in the employers conviction in September 2010 under the anti-trafficking law, though the employer was only sentenced to pay a fine; the victim was awarded compensation for her lost salary. The Jordanian police, in cooperation with INTERPOL and Prince Nayef University, provided anti-trafficking training to Saudi Arabian officials in Riyadh at the request of the Saudi government in January 2012. The government did not fund anti-trafficking training for Jordanian officials, though PSD's anti-trafficking unit received 22 training courses from local and international organizations during 2011.

Protection

The government made minimal efforts to protect victims of trafficking during the reporting period and did not provide any specialized services to trafficking victims. It did, however, identify and refer trafficking victims to shelter services, and it took initial steps to identify victims of trafficking sheltered within foreign embassies. The police reportedly referred 26 potential female trafficking victims to a local NGO-operated shelter, a noted improvement compared with the previous reporting period when the government did not refer any victims. While the anti-trafficking law contains a provision for the opening of shelters, the country continued to lack

direct shelter services for victims of trafficking; however, in March 2012, the Cabinet approved by-laws under which the government could establish a shelter for victims of trafficking. There was no government shelter available for male victims of trafficking, although the police and the Ministry of Labor (MOL) sometimes paid for male victims involved in labor disputes, some of whom may be trafficking victims, to reside at a hotel; it is unknown how many trafficking victims received this type of assistance in 2011. Victims who were not officially identified by authorities were generally kept in administrative detention pending deportation or, in the case of domestic workers, sometimes sought refuge at their respective embassies. Labor regulations prevented the three-person labor inspectorate dedicated to addressing abuses against domestic workers from investigating abuses in private homes, which continues to isolate domestic workers and "homebound girls." Additionally, the government lacked specific regulations to govern the agriculture sector, which left abuses and trafficking victims in this sector largely undetected.

For the first time, National Committee members and representatives of the Ministries of Interior (MOI), Justice, Labor, and the police, in conjunction with IOM, formed a National Screening Team which conducted its first set of interviews with over 30 girls at the Indonesian embassy shelter in January 2012 to determine if they were trafficking victims. As a result of these interviews, IOM provided a list of official recommendations to the government, which included procedures to identify, assist, and protect victims and the creation of a national evaluation team, which would be a multi-ministerial group. A national evaluation team had not been created at the end of this reporting period. The police provided temporary residency permits to nine trafficking victims in this reporting period, though this permit did not allow victims to seek employment. The police anti-trafficking unit employed eight women, who could offer specialized assistance to female victims of trafficking; however, NGOs report these officers only performed escort duties for victims and did not conduct interviews.

The government did not adequately ensure that identified victims were not penalized for unlawful acts committed as a direct result of being trafficked. Victims continued to be vulnerable to arrest and detention – sometimes for extended periods of time – if found without valid residency documents, and some foreign domestic workers fleeing abusive employers were incarcerated after their employers filed false claims of theft against them. The government did not attempt to identify trafficking victims among detained foreign domestic workers and out-of-status migrant workers, even those who claimed abuse. The government did not actively encourage victims to pursue the investigation or prosecution of trafficking offenses committed against them. The fining of foreign workers without valid residency documents – including identified trafficking victims – on a per day basis for being out-of-status served as a strong disincentive to remain in Jordan and pursue legal action against traffickers. During the previous reporting period, the cabinet announced a short-term amnesty for Filipina, Sri Lankan, and Indonesian domestic workers whose immigration documents had expired – granting them waivers of the entirety of their accumulated overstay fines and new work permits. This amnesty program, which extended through mid-June 2011, regularized the status of 12,555 domestic workers. It is unknown how many of these workers were trafficking victims, as there appears to have been no effort made to identify and

assist trafficking victims among this large group of domestic workers.

While foreign workers in garment sector factories were not liable for overstay fines, the MOI reportedly deported foreign factory workers rather than investigating their claims of labor violations. The MOL made some progress in limiting this practice during the reporting period, successfully reversing deportation orders in a small number of cases to allow time for investigation or by placing some workers with different factories while investigations were pending.

Prevention

The government's efforts to prevent trafficking stagnated during the reporting period. It did not conduct any information or education campaigns for the public and, as a result, awareness of human trafficking and the appropriate treatment of domestic workers remained low among the general population. The National Committee did little to implement its National Strategy and Action Plan to Combat Human Trafficking (2010 – 2012) that was launched in March 2010. The committee is required by law to meet quarterly, but it only met once in the reporting period due to repeated cabinet reshuffles in 2011. The government made minimal efforts to rectify weaknesses in the bylaws that provide standards for employing domestic workers; however, in November 2011, the government officially revised regulations that had restricted a domestic worker to the employer's home so that a worker may simply inform her employer if she intends to leave the home, rather than seeking permission. The government has not raised public awareness of this new regulation. Beginning in July 2011, the MOL issued a directive that requires employers of domestic workers to deposit their salaries into bank accounts. The labor inspectorate enforced this directive by requiring all employers to provide proof of the bank account and payment of wages when they complete the annual renewal process for their employees' work permits; however, the MOL reported that some workers refused to open accounts to avoid bank fees. Despite these efforts, the legally required standardized contract for the employment of domestic workers was not consistently implemented. In response to either domestic workers' or employers' complaints, in 2011 the MOL's inspectorate division investigated the practices of nine recruitment agencies, suspended 20 offices, and forwarded four cases to the Magistrates' Court with a recommendation for closure; the government effectively closed these four offices.

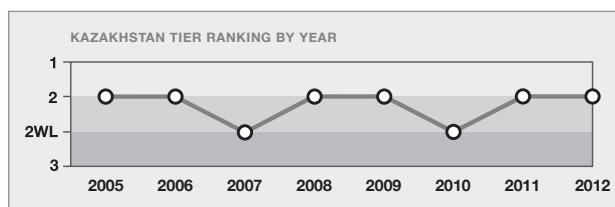
The MOL continued to operate a hotline to receive labor complaints, which received 1,116 calls in 2011; however, the labor inspectorate did not maintain complete records of calls received, the hotline was only operational during daytime hours, and translation services available in source-country languages remained lacking. During the majority of the reporting period, Jordan continued to recruit domestic workers from the Philippines and Indonesia despite both governments' imposed bans on employment of their nationals in Jordan; however, in a positive effort in January 2012, the MOL agreed to halt the issuance of work permits to Indonesian domestic workers at the request of the Indonesian ambassador. In the same month, the Philippine government negotiated a new Memorandum of Understanding on domestic worker rights with the Government of Jordan as a first step toward lifting the ban against employment of Philippine domestic workers in Jordan. The Government of Jordan did not undertake any discernible measures to reduce the demand for commercial sex

acts during the reporting period. Jordan's Peace Operations Training Center provided anti-trafficking training as part of the standard training regimen for peacekeepers being deployed abroad as part of international peacekeeping missions.

KAZAKHSTAN (Tier 2)

Kazakhstan is a destination and to a lesser extent, source and transit country for women and girls subjected to sex trafficking and for men, women, and children subjected to forced labor. There is also a large trafficking problem within the country. Kazakhstani women and children are subjected to sex trafficking in the United Arab Emirates and Lebanon, and to a lesser extent, in Russia, China, Turkey, and Azerbaijan. Women and girls from Uzbekistan, Russia, Kyrgyzstan, Tajikistan, Moldova, and Ukraine are subjected to sex trafficking in Kazakhstan. Women and girls from rural Kazakhstan are subject to sex trafficking in urban areas of the country. Kazakhstani men, women, and children as well as men and children from Uzbekistan, Kyrgyzstan, China, Turkmenistan, Tajikistan, Mongolia, and Nigeria are subjected to conditions of forced labor in domestic service, cattle breeding, and pasturing, and also in the harvest of agricultural products in Kazakhstan. Civil society groups continued to report a significant reduction in the use of forced labor in the tobacco harvest, in large part due to the efforts of a private company and a gradual phasing out of the tobacco industry in Kazakhstan. NGOs report sporadic cases of children who are forced to beg. Traffickers commonly confiscated victims' identity documents, prohibited victims' freedom of movement, and isolated victims. Traffickers often used inflated debts, justified by purported costs in "purchasing," housing, or transporting the migrant workers to coerce them to work.

The Government of Kazakhstan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government maintained its law enforcement efforts against human trafficking, including by training law enforcement officials. However, it failed to screen migrants effectively to identify potential victims of trafficking and only identified two foreign victims of labor trafficking, despite being a significant destination country for foreign victims of forced labor. Official complicity in trafficking remained a serious but unaddressed problem.



Recommendations for Kazakhstan: Increase efforts to identify foreign victims of both forced labor and forced prostitution, including by ensuring that authorities make efforts to proactively identify victims of forced labor among those detained during immigration raids and refer those identified as victims for assistance; work to ensure that foreign victims of trafficking receive assistance; investigate and prosecute police officers suspected of complicity in trafficking; continue to increase the number of victims who receive

government-funded assistance by increasing funding to anti-trafficking NGOs and establishing trafficking shelters; promptly provide foreign trafficking victims with their identity documents, in order to facilitate repatriation of those who choose to return to their countries of origin; continue to strengthen the capacity of police, prosecutors, and judges to investigate, prosecute, and adjudicate trafficking cases; and introduce professional ethics training for police officers in order to foster a culture of empathy for and assistance to trafficking victims.

Prosecution

The Government of Kazakhstan maintained modest progress in its anti-trafficking law enforcement efforts during the reporting period, but did not address official complicity in trafficking. Kazakhstan prohibits trafficking in persons for both labor and sexual exploitation through Articles 128, 133, 125(3b), 126(3b), 270, and 132-1 of its penal code, which prescribe penalties of up to 15 years' imprisonment – penalties sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Police investigated 111 trafficking cases in 2011, compared with 88 investigations in 2010. Authorities prosecuted 82 cases in 2011, an increase from 48 cases prosecuted in 2010. A total of 30 trafficking offenders were convicted in 2011, compared with 32 offenders convicted in 2010. The government convicted 26 offenders for sex trafficking offences in 2011, a decrease from 29 convictions in 2010, and convicted four offenders for forced labor offences in 2011, compared with three in 2010. Four convicted traffickers received conditional sentences and two others were penalized with substantial fines. Sentences for the remaining 24 offenders ranged from two to 17 years' imprisonment, in addition to the confiscation of their assets.

The government provided specialized training courses in the recognition, investigation, and prosecution of trafficking crimes for police, prosecutors, and judges through the Training Centers of the Office of the Procurator General, the Supreme Court, and the Karaganda Legal Academy's Trafficking in Persons Training Center, and funded police participation in anti-trafficking events in four countries. Police jointly investigated seven trafficking cases with officials from five countries. Some trafficking victims complained that police officers did not take their assertions of being trafficked seriously. Some trafficking victims also complained that individual police officers were complicit in trafficking, including by protecting traffickers and raping trafficking victims, and that some officers facilitated trafficking by bringing girls to brothels. However, the government did not report any investigations or prosecutions of government officials or police officers suspected of complicity in trafficking.

Protection

The Government of Kazakhstan maintained its modest efforts in protecting trafficking victims in 2011; however, the government identified only two foreign labor trafficking victims, despite being a recognized destination for foreign victims of forced labor. Although migration police reported screening undocumented migrants detained during immigration raids, these efforts did not result in the identification of any trafficking victims. In 2011, thousands of migrants were deported without being screened for potential victims of trafficking. Government officials had a formal system to guide officials in the proactive identification of trafficking victims

among the at-risk people they may encounter, but there was no information about how many trafficking victims were identified using these procedures. Identified victims were not punished for unlawful acts committed as a direct result of being trafficked, though victims not identified by authorities may have been deported or prosecuted for immigration or other violations, and some child sex trafficking victims were placed in detention centers. In 2011, the government identified 84 victims of trafficking, including 13 victims of forced labor, compared with 83 victims of trafficking – 13 of whom were also labor trafficking victims – identified in 2010. Of those identified in 2011, six were foreigners – including two victims of forced labor – a decrease from nine foreign victims identified in 2010. Police referred 68 trafficking victims to IOM for assistance. The government provided at least the equivalent of \$42,000 in funding for the provision of food, shelter, clothing, transportation, and other services for all identified victims. In total, 141 trafficking victims, 74 of whom were victims of forced labor, were identified and assisted by IOM, privately funded NGOs, and government-funded programs in 2011. The government continued to fund fully one NGO-run shelter for trafficking victims. The local government of Almaty no longer funds another NGO-shelter, as it did in the previous year. The government has not, despite stated intentions, established trafficking shelters beyond the government-funded shelter in Astana. This has been due in large part to the lack of a policy that establishes shelter standards; the government is currently developing such standards. Shelters are open to all trafficking victims and provide legal, psychological, and medical assistance. However, some foreign victims of trafficking are unable to get access to medical assistance due to a lack of identification documents, health insurance, or temporary residency permits. Adult trafficking victims were permitted to enter and leave the shelters freely. The Ministries of Justice and Interior operated two counter-trafficking hotlines; five criminal cases were investigated in 2011 based on phone calls to these hotlines. There was no information as to whether any victim received government compensation, as envisioned by a regulation adopted in 2010 permitting victims to receive compensation from the government. The government encouraged all victims to participate in investigations and prosecutions by providing witness protection during court proceedings and access to pre-trial shelter services. The government did not report how many trafficking victims cooperated in investigations and prosecutions in 2011. Foreign victims who agreed to cooperate with law enforcement were requested to remain in Kazakhstan for the duration of the criminal investigation but were not permitted to work. The government did not report how many foreign victims received temporary residence permits in 2011. The government did not offer other legal alternatives to foreign victims' removal to countries where they faced retribution or hardship; all victims were forcibly repatriated, either after a short recuperation period or after their service as a prosecution witness was completed.

Prevention

The government continued its prevention efforts during the reporting period. The Interagency Trafficking in Persons Working Group, chaired by the Minister of Justice, met quarterly; each responsible agency reported on its anti-trafficking activities assigned under the Trafficking in Persons National Plan. The national government supported some anti-trafficking efforts, including information and educational campaigns. The government also co-funded or provided

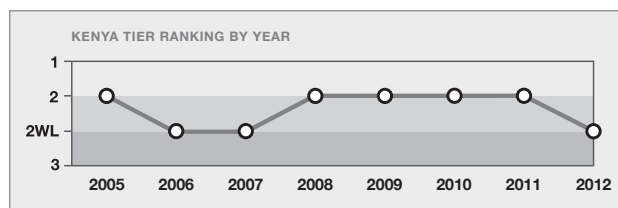
in-kind contributions to activities organized by NGOs or international organizations, such as the posting of billboards advertising anti-trafficking hotlines. NGOs also received grants from the government to implement prevention activities. The government continued to provide in-kind contributions for a program designed to reduce the demand for commercial sex acts. In 2011, the government completed implementation of its National Trafficking in Persons Plan for 2009-2011 and adopted the new National Trafficking in Persons Plan for 2012-2014. The government failed to implement one task of the 2009-2011 plan concerning development of standards for shelter assistance; the new plan rectifies this by assigning responsible agencies to develop the standards.

KENYA (Tier 2 Watch List)

Kenya is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Traffickers, who gain poor families' trust through familial, ethnic, or religious ties, falsely offer to raise and educate children in towns or to place adults in lucrative employment. Within the country, Kenyan children are forced to labor in domestic service, agriculture, fishing, cattle herding, street vending, begging, and the sale of illicit brews. Children are also exploited in prostitution throughout Kenya, including in the coastal sex tourism industry, in the eastern *khat* cultivation areas, and near Nyanza's gold mines. Children are lured into brothels by promises of jobs as domestic workers in cities, while others are introduced by their families to the sex trade. Brothel-based child prostitution is reportedly increasing in Migori, Homa Bay, and Kisii counties, particularly around markets along the border with Tanzania. Vehicles transporting *khat* to Somalia return carrying Somali girls and women who often end up in brothels in Nairobi or Mombasa. Both women and "beach boys" as young as 14 pimp children in coastal areas and receive commissions as high as the equivalent of \$240 from tourists for each girl secured. Some Kenyan tenant rice farmers work in situations of debt bondage to farm owners or supervisors, often to repay funds that were provided as an advance – for school fees, food, or medical needs – by their employers. Kenyan men, women, and children voluntarily migrate to other East African nations, South Sudan, Europe, the United States, and the Middle East – particularly Saudi Arabia, but also Qatar, Kuwait, the United Arab Emirates (UAE), Lebanon, and Oman – in search of employment, where they are at times exploited in domestic servitude, massage parlors and brothels, or forced manual labor, including in the construction industry. Officials at the Saudi Arabian embassy in Nairobi allegedly collude with unlicensed recruitment agents to place Kenyans into situations of forced labor in Saudi Arabia. Recruitment of women for overseas domestic work reportedly increased during the year in Mombasa, Nairobi's Eastleigh area, and major towns in Central Province. In 2011, gay and bisexual Kenyan men recounted being lured from universities with promises of overseas jobs, only to be forced into prostitution in Qatar. Children from Burundi, Ethiopia, Somalia, South Sudan, Tanzania, and Uganda are subjected to forced labor and prostitution in Kenya.

The Government of Kenya does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government's children's officers continued admirable efforts to identify and protect child

trafficking victims throughout the country. The government failed, however, to fully enact its anti-trafficking law's implementing regulations, finalize its national plan of action, take tangible action against trafficking complicity among law enforcement officials, provide shelter and other protective services for adult victims, take concrete action against alleged incidences of child sex tourism, monitor the work of overseas labor recruitment agencies, or provide adequate anti-trafficking training to its officials, including diplomats, police, labor inspectors, and children's officers. The government held few trafficking offenders accountable for their crimes in comparison to the significant number of child trafficking victims identified. Therefore, Kenya is placed on Tier 2 Watch List as it did not show evidence of increasing efforts to combat human trafficking. The government's efforts remained uncoordinated and lacked strong oversight, creating an environment conducive to trafficking.



Recommendations for Kenya: Finalize necessary regulations and put in place appropriate structures to fully implement the anti-trafficking statute; use the anti-trafficking law to prosecute trafficking offenses and convict and punish trafficking offenders, including government officials suspected of complicity in human trafficking; use the anti-trafficking law or Section 14 of the Sexual Offenses Act to prosecute and punish child sex tourists; provide additional training to all levels of the government, particularly law enforcement officials and diplomats, on identifying and responding to trafficking crimes; establish an official process for law enforcement officials to refer trafficking victims for assistance; continue to increase oversight of and accountability for overseas recruitment agencies; increase protective services available to adult trafficking victims, particularly those identified in and returned from the Middle East; and approve and implement the national action plan.

Prosecution

The government maintained its anti-trafficking law enforcement efforts during the reporting period, though corruption, the absence of an implemented anti-trafficking law, and lack of understanding of human trafficking among police and other public officials continued to prevent most traffickers from being brought to justice. Section 1 of the Counter-Trafficking in Persons Act (Act 8 of 2010) prohibits all forms of trafficking and Section 3(5) prescribes a sufficiently stringent minimum punishment of 15 years' imprisonment, which is commensurate with those for other serious crimes, such as rape. Section 3(6) prescribes a minimum punishment of 30 years' imprisonment for the aggravated offenses of controlling or financing the commission of human trafficking crimes. In 2011, however, the government did not take the final necessary steps, such as publishing this act in the Kenya Gazette, or enacting necessary implementing regulations, to bring the law into effect. As a result, no trafficking cases have been prosecuted under this law. Sections 14, 15, and 17 of the Sexual Offenses Act of 2006 prohibit the facilitation of

child sex tourism (prescribed punishment of at least 10 years' imprisonment), child prostitution (prescribed punishment of at least 10 years' imprisonment), and forced prostitution (prescribed punishment of at least five years' imprisonment). However, prosecutors do not widely use these sections.

The Kenyan Police Service's anti-trafficking unit did not provide information on efforts to investigate trafficking crimes during the reporting period. The government reported initiating 15 human trafficking prosecutions in Mombasa, Kwale, Kajiado, Nairobi, and Kisumu in 2011, but provided no additional information to substantiate that they involved human trafficking offenses rather than smuggling or other types of crimes.

Many trafficking cases did not result in judgments due to weak preparation for prosecution or court officials' receipt of bribes to alter records of testimony. Though the government increased the Ministry of Gender's budget by 43 percent in 2011, funding remained insufficient to provide the transportation necessary for children's officers to carry out quarterly child labor inspections, especially in remote areas. The Ministry of Labor's 30 inspectors did not conduct any child labor inspections and lacked training to identify and address situations of forced labor.

Corruption among law enforcement authorities and other public officials continued to hamper efforts to bring traffickers to justice; in certain regions, corrupt police (including members of the Tourist Police Unit), immigration, or labor officials were reportedly complicit in, received bribes to overlook or confer lesser charges for, or obstructed investigations of human trafficking crimes. Local observers indicated that some suspected traffickers apprehended in police operations were quickly released under dubious circumstances. The government made no efforts to investigate or prosecute officials suspected of involvement in or facilitation of human trafficking during the reporting period. It did not provide anti-trafficking training to law enforcement and other public officials; inadequate understanding of human trafficking by police resulted in, at times, suspects being improperly charged under Kenyan law.

Protection

The government's efforts to identify and protect child trafficking victims continued during the year, but commensurate protection was unavailable for adults, including the increasing number of victims in the overseas migrant worker population. As guidelines for implementing the victim protection provisions of the anti-trafficking statute have yet to be developed, the government continued to lack a formal mechanism for identifying victims of trafficking among vulnerable populations. Nevertheless, government officials identified 99 child trafficking victims (23 of whom were in prostitution) in 2011 and provided protective services to all of these victims. The Ministry of Gender, Children, and Social Development's children's officers coordinated local Children's Advisory Committees that, as part of their protective mission, monitored service providers and advanced awareness of human trafficking at the local level. During the reporting period, children's officers rescued child trafficking victims, provided them with counseling and referrals to service providers, and participated in investigations. The Ministry of Gender and a local NGO continued to jointly operate a national 24-hour toll-free hotline for reporting cases of child trafficking, labor, and abuse, which received more than 40,000 calls each month. The

hotline is located in a government-owned building in Nairobi and staffed, in part, by three children's officers who facilitated rescues and made referrals to appropriate district officials, as well as to health and legal aid organizations, in other provinces. During the reporting period, the hotline received 46 reports of child trafficking, 19 concerning child prostitution, and 497 related to child labor. The hotline's call center in Eldoret connected children with locally-available services in western Kenya. The Ministry of Gender's Children's Department also operated four drop-in referral centers in Mombasa, Malindi, Eldoret, and Garissa that provided counseling and guidance services, as well as referrals to other centers for victimized children that could not be returned home. This department also funded and operated rescue centers in Garissa, Malindi, Thika, and Machakos where child victims of violence could stay for three months before returning home or being referred to NGO facilities. The government did not provide data on how many trafficking victims were afforded such services during the year.

While efforts to assist and care for child trafficking victims remained strong, the government provided relatively few services – including shelter, medical care, or psycho-social counseling – to trafficked adults identified within the country or abroad. Most of Kenya's overseas diplomatic missions failed to provide any assistance to trafficked Kenyan nationals. The Kenyan embassy in Riyadh, however, provided limited repatriation assistance by issuing new travel documents to 460 victims of domestic servitude during the reporting period; other victims, however, complained that the embassy was slow to intervene in their cases, did not expeditiously process travel documents and did not provide material support. The Ministry of Immigration spent the equivalent of \$26,500 to return 60 abused migrant workers from Saudi Arabia in 2011. While the government reports it encouraged Kenyan victims' assistance in the investigation and prosecution of trafficking crimes during the reporting period, it did not provide information on such instances. There were no reports that the government inappropriately incarcerated or otherwise penalized Kenyan victims for unlawful acts committed as a direct result of being trafficked. Police, however, arrested foreign women for engaging in prostitution or being in Kenya without valid identity documents, but did not screen them for trafficking victimization; in most cases, the women pled guilty to immigration violations and were quickly deported. Under the 2010 anti-trafficking law, the Minister of Gender may grant permission for foreign trafficking victims to remain indefinitely in Kenya if it is believed they would face hardship or retribution upon repatriation; the government did not use this provision during the year.

Prevention

The government made some progress in preventing human trafficking. The National Steering Committee to Combat Human Trafficking, chaired by the Minister of Gender, met three times during the reporting period. The five-year National Action Plan on Human Trafficking, drafted in previous reporting periods, remained without Cabinet approval, as the Counter-Trafficking Act's implementing regulations have not been finalized. District child labor committees, which exist in 30 out of 180 districts, together with children's advisory committees, raised awareness of child trafficking and labor among local populations. Many of these committees, however, existed only nominally, did not meet regularly, and were largely ineffective.

In June 2011, the Ministry of Foreign Affairs (MFA) issued a directive requiring foreign companies or employment agencies to submit to Kenyan recruitment agencies information regarding the jobs offered, the perspective employers, the terms of service, and remuneration before hiring Kenyans to work abroad. Recruitment agencies' sending of domestic workers for jobs in Saudi Arabia and the UAE received increased attention with parliamentary hearings in July, October, and November 2011. In September 2011, MFA's Department of Host Country and Consular Division, with the Kenya Association of Employment Agents and the Ministry of Youth, provided an awareness session to 1,500 workers migrating to the Middle East, many to be private security guards. In November 2011, the Ministries of Youth, Foreign Affairs, and Labor conducted a sensitization session to provide an unknown number of labor migrants departing for the Middle East with information about their country of destination, their legal rights and employment benefits, and the skills necessary for successful adaptation to the society of their destination. The Ministry of Labor, which is required by law to monitor the operations of labor recruitment agencies and attest to employment contracts, verified 133 contracts in 2011; migrant workers, however, often left Kenya before their contracts had been approved. The ministry's vetting procedures were inconsistently applied and efforts, in conjunction with the MFA, to monitor labor recruitment agencies to prevent fraudulent job offers and other illegal practices were poorly coordinated. The government neither made efforts to close down unlicensed agencies nor to punish agencies utilizing illegal recruitment methods. Bribery of government officials by recruitment agencies reportedly hindered efforts to stop fraudulent recruitment. In late 2011, the Ministry of Labor ceased without explanation its yearly renewal of these agencies' accreditation certificates, resulting in all members of the Kenya Association of Private Employment Agencies operating without valid licenses in early 2012. This also resulted in these agencies' sending workers overseas without governmental attestation and vetting of workers' foreign contracts, which left migrant workers increasingly vulnerable to trafficking.

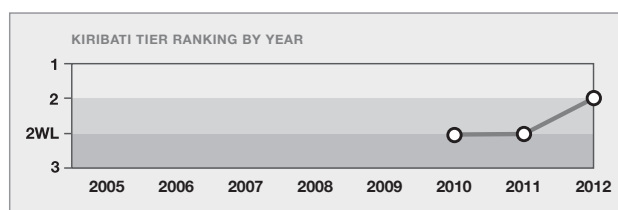
The government reported that it prosecuted and extradited two foreign pedophiles for child sexual abuse in the Coast region in 2011, but provided no details to confirm whether these cases involved child sex tourism. Police provided no information regarding the investigations of four suspected child sex tourism cases pending at the close of 2010. In October 2011, local organizations and media outlets decried Kisauni police for releasing a German tourist alleged to have sexually exploited a prostituted child; the German was not charged due to lack of evidence. Out of court settlements, however, were common, with tourists paying girls' families to avoid legal action. The government made efforts to reduce the demand for commercial sex acts. In February 2011, the city of Nairobi formed a taskforce to recommend measures to address the growing sex trade. The Kenyan government's provision of training to troops deploying on international peacekeeping missions included a module on human rights that addressed human trafficking.

KIRIBATI (Tier 2)

Kiribati is a source country for girls subjected to sex trafficking within the country. Crew members on foreign fishing vessels in Kiribati or in its territorial waters around Tarawa and Kiritimati

Island allegedly exploit prostituted children, some reportedly as young as 14, in local hotels and aboard their vessels. Local I-Kiribati, sometimes family members of potential victims, but also hotel and bar workers or owners of small boats, may facilitate trafficking by transporting underage girls to the boats for the purpose of prostitution or by failing to intervene in the situation. The girls generally received cash, food, alcohol, or goods in exchange for sexual services. Women and girls who frequent bars and foreign fishing vessels are collectively referred to by the term *ainen matawa* and are stigmatized in I-Kiribati society.

The Government of Kiribati does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, government officials acknowledged the existence of child sex trafficking and expressed their commitment to combating the crime. Although the government did not initiate any criminal prosecutions against traffickers, it cited three captains of foreign fishing vessels found harboring unauthorized I-Kiribati persons – some of whom may have been trafficking victims – aboard their boats. The government did not employ policies to proactively identify trafficking victims among the *ainen matawa* population. The government's anti-trafficking activities were organized around thwarting the activities of *ainen matawa* and did not adequately prioritize protecting victims or prosecuting and punishing those who exploit or facilitate the commercial sexual exploitation of children.



Recommendations for Kiribati: Investigate, prosecute, and punish foreign crewmen for the commercial sexual exploitation of children; develop procedures for law enforcement officers and social service providers to interview those in vulnerable groups, such as those intercepted aboard international vessels, for evidence of trafficking; establish formal procedures to identify and refer trafficking victims to protective services; train front-line officers in victim identification techniques and procedures for referral to domestic violence and sexual violence officers; proactively identify and assist victims of trafficking, prioritizing establishment of a safe environment for victims and trust between victims and officers; work with local or international organizations, including religious organizations, to provide protective services to victims; ensure victims are not punished for crimes committed as a result of being trafficked; hold parents accountable, as appropriate under I-Kiribati law, for the commercial sexual exploitation of their children; and expand efforts to raise awareness about the dangers of human trafficking, with a specific focus on increasing public recognition that children in the commercial sex industry are victims rather than social deviants.

Prosecution

The Government of Kiribati demonstrated limited law enforcement efforts to combat human trafficking during the reporting period. Kiribati's 2005 Measures to Combat Terrorism and Transnational Organised Crime Act, as amended in 2008,

defines and criminalizes trafficking and prescribes penalties of up to 15 years' imprisonment for the trafficking of adults and 20 years' imprisonment for the trafficking of children. These penalties are sufficiently stringent, but not commensurate with those prescribed for other serious crimes, such as rape. The law's provisions focus on the international movement of people for exploitation, a form of trafficking not known to occur in Kiribati. The law's victim protection provisions shield victims from prosecution for immigration crimes committed as a direct result of being trafficked. Although there is no legal precedent, government officials have reported that domestic trafficking could be prosecuted under this law. The government reported identifying three cases in which unauthorized I-Kiribati persons – some of whom may have been trafficking victims – were discovered on foreign fishing vessels, but it did not identify any confirmed cases of trafficking or conduct any prosecutions for trafficking offenses during the year. In September 2011, the government coordinated a day of training for 19 law enforcement officers and judicial officials on the identification and protection of trafficking victims and investigation and prosecution of trafficking cases. Members of the Domestic Violence and Sexual Offenses Unit of the police were responsible for investigations and victim care in suspected trafficking cases. However, government officials did not sufficiently prioritize identification of victims among the vulnerable populations, particularly *ainen matawa*, with whom they came in contact. No government officials were suspected of, investigated, prosecuted, or convicted for trafficking or trafficking-related criminal activities during the reporting period.

Protection

The Government of Kiribati made little discernible progress in identifying or protecting trafficking victims during the reporting period. Police reported identifying, aboard international fishing vessels, several females who may have been trafficking victims, but their ages and status were not confirmed and the government did not provide them with any protective services. Law enforcement and social services personnel did not develop or implement systematic procedures for proactively identifying victims of trafficking among vulnerable persons with whom they came in contact. The government did not provide any victim care facilities for trafficking victims, but it reported victims could be referred to religious organizations to access medical and psychological services on an *ad hoc* basis. Law enforcement efforts to combat prostitution potentially resulted in some trafficking victims being treated as law violators; individuals detained for related crimes were not screened to determine whether they were trafficking victims, and their ages were not verified. The government has not developed or implemented a referral process to transfer potential victims who are detained, arrested, or placed in protective custody by law enforcement authorities to institutions that provide short or long-term care. It has a limited capacity to protect victims of trafficking or victims of other crimes, and partners with local religious organizations that provide services to victims of crime.

Prevention

The government increased its efforts to prevent human trafficking during the year. The Ministry of Internal and Social Affairs, in partnership with an international organization, continued to produce a weekly radio show on child protection issues, including the commercial sexual

exploitation of children. The same ministry, with support from an international organization, conducted workshops for community leaders and in schools on issues of child protection and the sexual exploitation of children. The police partnered with the Ministry of Fisheries to enhance the monitoring of shores for unauthorized persons attempting to access international fishing vessels and to dissuade women and girls from entering situations in which they could become victims of exploitation. The government continued to patrol its maritime territory with its one patrol boat and, during the year, in an effort to decrease the demand for commercial sex acts, it began to enforce a 2010 amendment to its foreign fishing license regulations holding ship captains accountable for unauthorized persons discovered on their vessels. The government cited three captains of foreign fishing vessels for harboring unauthorized persons aboard their boats, and one captain received a fine in an amount equivalent to approximately \$30,000. The government maintained billboards cautioning against engaging in commercial sex acts.

KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF (Tier 3)

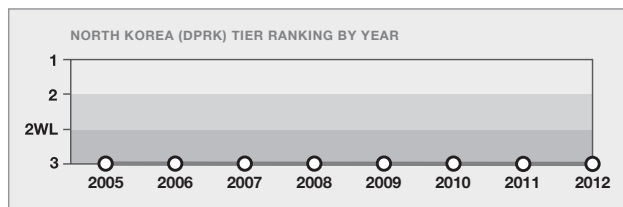
The Democratic People's Republic of Korea (DPRK or North Korea) is a source country for men, women, and children who are subjected to forced labor, forced marriage, and sex trafficking. Within North Korea, forced labor is part of an established system of political repression. The North Korean government is directly involved in subjecting its nationals to forced labor in prison camps. North Koreans do not have a choice in the work the government assigns them and are not free to change jobs at will. North Korea is estimated to hold between 130,000 and 200,000 prisoners in political prison camps in remote areas of the country. Many of these prisoners were not actually convicted of a criminal offense. In prison camps, all prisoners, including children, are subject to forced labor, including logging, mining, and farming for long hours under harsh conditions. Reports indicate that political prisoners endure severe conditions, including little food or medical care, and brutal punishments; many are not expected to survive. Many prisoners fell ill or died due to harsh labor conditions, inadequate food, beatings, lack of medical care, and unhygienic conditions.

The North Korean government recruited laborers to work abroad under bilateral contracts with foreign governments, including in Russia; Africa, Central and Eastern Europe, East and Southeast Asia, including especially Mongolia, and the Middle East. Credible reports showed that many North Korean workers sent abroad under these contracts were subjected to forced labor, with their movement and communications constantly under surveillance and restricted by North Korean government "minders." There were also credible reports that these workers faced threats of government reprisals against them or their relatives in North Korea if they attempted to escape or complain to outside parties. Workers' salaries are deposited into accounts controlled by the North Korean government, which keeps most of the money, claiming fees for various "voluntary" contributions to government endeavors. Workers reportedly only received a fraction of the money paid to the North Korean government for their work. Between 10,000 and 15,000 North Korean workers are estimated to be employed in logging camps in Russia's Far East, where they reportedly have only two days of rest per year.

and face punishments if they fail to meet production targets. Over the past year, reports indicated that the North Korean government worked harder to place North Korean workers in Russia, particularly in the Far East. Wages of some North Korean workers employed in Russia reportedly were withheld until the laborers returned home. North Korean workers at joint ventures with foreign investors within the DPRK are employed under arrangements similar to those that apply to overseas contract workers.

NGOs and researchers estimate that thousands of undocumented North Koreans currently live in northeast China, and as many as 70 percent of them are women. There is no reliable information on how many of these North Koreans have been trafficked, but their status in China as illegal economic migrants who may be deported to North Korea makes them particularly vulnerable to trafficking. North Korean women and girls commonly migrate to China, often with the help of a facilitator, seeking food, work, freedom, and better life prospects, but may then be forced into marriage, prostitution, or labor. Trafficking networks of Korean-Chinese and North Koreans (usually men) operate along the China-North Korea border, reportedly working with border guards from both countries to recruit women for marriage or prostitution in China. North Korean women often pass through many hands, with multiple brokers involved in their trafficking. Reports indicate that security along the North Korea-China border increased during the reporting period. It is unclear what impact this change had on trafficking trends. Some North Korean women who make their own way to China are lured, drugged, or kidnapped by traffickers upon arrival. Others are offered jobs, but are subsequently compelled into domestic service through forced marriages to Chinese men, often of Korean ethnicity, or are forced into prostitution in brothels or through the Internet sex trade. Some are forced to serve as hostesses in nightclubs and karaoke bars. If found by Chinese authorities, victims are deported to North Korea where they are subject to harsh punishment, including forced labor in DPRK labor camps.

The North Korean government does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government did not demonstrate any efforts to address human trafficking through prosecution, protection, or prevention measures. The government contributed to the human trafficking problem through its ban on emigration, its failure to address its poor economic and food situation, and through its forced labor camps, where North Koreans live in conditions of servitude, receiving little food and little, if any, medical care.



Recommendations for the Democratic People's Republic of Korea: Recognize human trafficking as a problem in North Korea, and one that is distinct from human smuggling; work with the international community to close forced labor camps; work with the international community to allow North Koreans to choose their form of work and leave their

employment at will, and with fair wages; work with the international community to improve the social, political, economic, and human rights conditions that render North Koreans vulnerable to trafficking; provide assistance to trafficking victims and forge partnerships with international organizations and NGOs to aid in this effort; and allow NGOs to operate freely within North Korea to assist trafficking victims.

Prosecution

The North Korean government made no discernible law enforcement efforts to combat trafficking in persons during the reporting period. The government continued to deny that human trafficking was a problem. Article 233 of the penal code criminalizes border crossing and Article 234 prohibits border guards from assisting border crossers; both carry a penalty of up to 25 years of detention in a labor facility. Article 289 of the penal code prohibits the abduction of children and Article 290 prohibits the abduction of individuals or groups. Both statutes prescribe penalties of three to 10 years of "labor correction." Article 7 of the 1946 Law on Equality of the Sexes forbids trafficking in women. However, fair trials did not occur in North Korea and the government was not transparent with its law enforcement data, so it remained unclear under what provisions of the law, if any, traffickers were prosecuted. During the reporting period, there were no known prosecutions or convictions of trafficking offenders or officials complicit in forced labor or forced prostitution. The government did not report whether it provided any anti-trafficking training to its officials. Reports indicate that repatriated North Koreans were subjected to harsh punishments during the reporting period. North Korean defectors reported instances of the government punishing traffickers, including execution.

Protection

The North Korean government did not make any known attempts to protect trafficking victims during the reporting period. The government reported no efforts to identify or assist trafficking victims. Government authorities provided no discernible protection services to trafficking victims, nor did it permit indigenous NGOs to operate freely in North Korea. The few international NGOs allowed into the DPRK were not permitted to assist trafficking victims. The government provided no assurances to trafficking victims that they would be exempt from being penalized for unlawful acts committed as a direct result of their being trafficked. DPRK authorities continued to screen North Koreans for contacts with South Koreans and exposure to South Korean cultural influences, but did not distinguish between trafficking victims and illegal migrants. Article 233 of the penal code criminalizes border crossing and Article 234 prohibits border guards from assisting border crossers; both articles carry a penalty of up to two to five years of forced labor. North Koreans forcibly repatriated by Chinese authorities, including women believed to be trafficking victims, were sent to prison camps, where they may have been subjected to forced labor, torture, sexual abuse by prison guards, or other severe punishment. Repatriated victims who were suspected of having become pregnant with a child of possible Chinese paternity may be subject to forced abortions and infanticide. Reports indicate that prison authorities brutally killed infants born to repatriated victims while in prison.

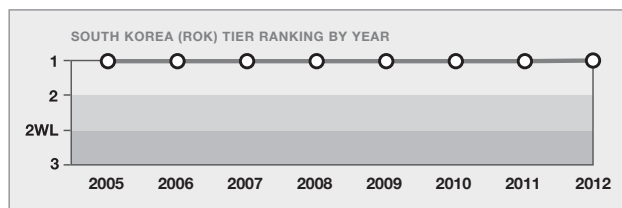
Prevention

North Korean authorities made no discernable efforts to prevent human trafficking during the reporting period. Internal conditions in the DPRK prompted many North Koreans to flee the country, making them vulnerable to human trafficking. Although press reports indicated that border security increased during the reporting period, there was no evidence that the DPRK government attempted to prevent human trafficking by screening migrants along the border. DPRK authorities made no discernible efforts to reduce the demand for commercial sex acts. North Korea is not a party to the 2000 UN TIP Protocol.

KOREA, REPUBLIC OF (Tier 1)

The Republic of Korea (ROK or South Korea) is a source, transit, and destination country for men and women subjected to forced prostitution and forced labor. Some men and women from Russia, Uzbekistan, Kazakhstan, Morocco, Colombia, Mongolia, China, the Philippines, Thailand, Cambodia, North Korea, Vietnam, Japan, and other Southeast Asian countries are subjected to forced labor, and some women are subjected to forced prostitution. Some foreign women who entered the country on E-6 entertainment visas were forced into prostitution. Some women from less developed countries recruited for marriage with South Korean men through international marriage brokers are subjected to forced prostitution or forced labor subsequent to their arrival in the ROK, or when running away from abusive spouses. South Korean women were subjected to forced prostitution domestically and abroad in destinations including the United States, Canada, Japan, and Australia, many coerced by traffickers to whom they owed debts. Commercial sexual exploitation of South Korean teenagers within the country remains a problem. Migrant workers who travel to the ROK for employment may incur thousands of dollars in debts, contributing to their vulnerability to debt bondage. There are approximately 500,000 low-skilled migrant workers in the ROK from elsewhere in Asia, many of whom were working under the government's Employment Permit System (EPS). Migrant workers sometimes face conditions indicative of forced labor, including nonpayment of wages, withholding of passports, and work upon arrival in the ROK that differs from the job description offered to them in their country of origin.

The Government of the Republic of Korea fully complies with the minimum standards for the elimination of trafficking. The government reported an increased number of sex trafficking convictions during the reporting period and sustained services for sex trafficking victims. Labor trafficking prosecutions may have occurred; such cases have not been reported in several prior reporting periods. The government did not institute formal procedures to identify proactively trafficking victims and refer them to available services. More centers provide services for female than for male trafficking victims.



Recommendations for the Republic of Korea: Enact drafted comprehensive anti-trafficking legislation that defines and prohibits trafficking in persons; increase efforts to investigate, prosecute, and convict trafficking offenders, including those involved in labor trafficking; develop and implement formal victim identification procedures to identify proactively trafficking victims among vulnerable populations, including women arrested for prostitution, migrants in the EPS, and illegal immigrants; make greater efforts to identify victims of forced labor among migrant workers, such as those who file complaints of unpaid wages; conduct a study or regular surveys to explore the scope and manifestations of labor trafficking in South Korea, similar to the triennial survey on sex trafficking; proactively grant victims permission to work pending investigations and prosecutions against their traffickers; and take steps to increase awareness of child sex tourism and enforce laws against South Koreans engaging in such acts.

Prosecution

The ROK government took adequate steps to prosecute trafficking offenses during the reporting period, but its efforts continued to be hampered by the lack of a clear law prohibiting all forms of trafficking. South Korea prohibits most aspects of trafficking through its 2004 Act on the Punishment of Acts of Arranging Sexual Traffic and its Labor Standards Act, which prescribe up to 10 years' and five years' imprisonment, respectively; these penalties are sufficiently stringent and commensurate with those prescribed penalties for other serious crimes, such as rape. The government reports using other criminal statutes related to kidnapping and juvenile protection to prosecute and punish trafficking offenses. The Republic of Korea does not have a comprehensive trafficking law that fully complies with international norms. During the reporting period, government authorities reported investigating 53 sex-trafficking cases, compared with 40 during the previous reporting period, under the Act on the Punishment of Acts of Arranging Sexual Traffic. These investigations resulted in a total of 11 convictions, an increase from six convictions under this statute during the previous reporting period. Sentences for sex trafficking offenders ranged from 16 months to five years. Because there is no comprehensive anti-trafficking law in South Korea, disaggregating data as to whether the convictions were, in fact, trafficking convictions is difficult. Since April 2011, there were allegations of forced labor abuses and unpaid and underpayment of wages on South Korean-flagged fishing vessels in New Zealand waters. At the end of the reporting period, these allegations remained under investigation. The government's National Human Rights Commission launched an investigation into allegations of forced labor on these South Korean flagged fishing vessels. Despite conducting 34 labor trafficking investigations and obtaining eight indictments in the past year, the government did not report any labor trafficking convictions under the Labor Standards Act or any other statutes for several years, raising concerns that the current legal structure for addressing labor trafficking is insufficient. In June 2012, Korean authorities asserted that a number of labor trafficking offenders were prosecuted during the reporting period; these claims could not be confirmed. In addition, there have been no convictions of Korean child sex tourists or labor trafficking offenders in the past five years.

In April 2011, the Seoul Metropolitan Police Agency announced that they had arrested a 40-year-old North Korean female refugee and three additional individuals for forcing

70 North Korean women into prostitution. The perpetrators paid the equivalent of \$32,139 to Chinese brokers to bring the women to South Korea and investigators believe Chinese brothels may have been involved in trafficking the victims. The victims received shelter, counseling, education services, and South Korean citizenship. The 40-year-old North Korean female refugee pleaded guilty to lesser charges related to the commercial sex trade and paid an the equivalent of \$1,800 fine; as of the end of the reporting period, the case against the three other defendants remained pending. During the reporting period, the government funded training on investigating sex trafficking crimes against women and children for 274 newly appointed prosecutors and prosecutors designated to handle sex trafficking cases.

Protection

The ROK government sustained strong efforts to protect trafficking victims during the reporting period, but it lacks formal proactive victim identification procedures. There were fewer services available for labor trafficking victims than sex trafficking victims. The government identified 15 forced prostitution victims; it is unclear how many labor trafficking victims were identified. The government did not have a formal mechanism to guide front-line responders, such as police, social workers, and labor and health officials, in how to identify human trafficking and refer potential victims to available services. In 2011, the government spent the equivalent of approximately \$16.9 million, mainly by providing financial support to NGOs offering shelter, counseling, medical and legal assistance, vocational training, educational programs, and rehabilitation services to a variety of persons in need, including sex trafficking victims. The Ministry of Gender Equality and Family (MOGEF) operated 18 shelters for Korean victims of sex trafficking, sexual assault, and domestic violence, offering medical and legal services. The government also sustained its operation of one specialized shelter for foreign victims of sex trafficking, but it did not report the number of victims assisted at this facility during the reporting period. The government continued to fund an extensive network of support centers for foreign wives and runaway teenagers, two groups vulnerable to trafficking in South Korea. These support centers offer services such as counseling in a number of languages, legal advice, and referrals to medical services and shelters. The government did not operate specific programs for forced labor victims or shelters for male trafficking victims. Observers claimed that the EPS continued to assign excessive power to employers over workers' mobility and legal status, making them vulnerable to trafficking. The government offered foreign victims of trafficking legal alternatives to their removal to countries in which they may face hardship or retribution. The government's G-1 visa system allowed for foreign trafficking victims to remain in South Korea for up to one year to participate in investigations against their traffickers, and three G-1 visa holders that were trafficking victims were working. Victims of trafficking are not punished for crimes committed as a direct result of being in a trafficking situation.

Prevention

The ROK government took steps to prevent trafficking during the reporting period, though similar to the year before, these efforts focused almost exclusively on sex trafficking. The government continued to conduct a wide variety of campaigns to raise awareness of sex trafficking in South Korea, targeting particularly vulnerable groups such as teenagers and foreign

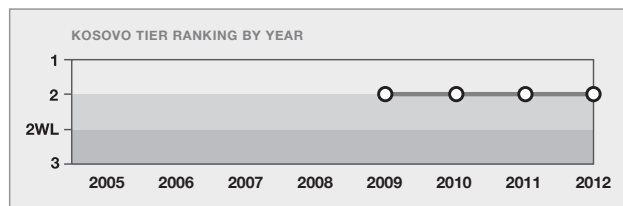
wives. In an effort to add safeguards to the marriage broker process, South Korea passed legislation last year compelling men marrying foreign brides to take classes prior to marriage. During the reporting period, MOGEF publicized on buses, electronic billboards, subways, and in foreign language publications the Emergency Support Center for Migrant Women hotline, which had operators trained to assist trafficking victims. In an effort to educate potential clients of the sex trade, MOGEF produced and distributed guidelines on preventing trafficking to 1,500 public institutions, and conducted Internet campaigns to prevent involvement of juveniles in the sex trade. In an effort to reduce demand for commercial sex acts, the Ministry of Justice continued to run 39 "Johns Schools," requiring convicted male clients of prostitution to attend one-day seminars on the risks of prostitution and sex trafficking in lieu of criminal punishment. As part of the 2008 revisions to the anti-sex trafficking legislation, the government is required to conduct research every three years on the status of sex trafficking in South Korea. The MOGEF conducted a triennial nationwide survey on prostitution in 2010 and published the results of the survey in early 2011. Korean authorities continued to train law enforcement and other government officials on trafficking and used a standardized training program on preventing forced prostitution. Korean men remain a source of demand for child sex tourism in Southeast Asia and the Pacific Islands. The South Korean government aired television commercials to discourage participation in child sex tourism, and Korean embassies abroad posted child sex tourism warnings and information on their homepages and provided pamphlets at airports and travel agencies. The government has not reported any prosecutions or convictions of child sex tourists in the past five years. The ROK government continued to provide anti-trafficking training to troops prior to their deployment abroad on international peacekeeping missions.

KOSOVO (Tier 2)

Kosovo is a source, destination, and possibly a transit country for women and children who are subjected to sex trafficking, and children subjected to forced begging. The majority of victims of sex trafficking exploited in Kosovo are female Kosovo citizens. Children from Kosovo and neighboring countries are exploited in forced begging within Kosovo. Most foreign victims of forced prostitution are young women from Eastern Europe including Moldova, Albania, Poland, and Serbia. Kosovar women and children are subjected to forced prostitution, servile marriages, and forced labor throughout Europe. Kosovo police report that traffickers less frequently exploited sex trafficking victims in bars and cafes, relying instead on private residences.

The Government of Kosovo does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to implement its victim-centered Standard Operating Procedures and Minimum Standards for the care of trafficking victims. The government's trafficking prevention efforts continued to be very strong, incorporating broad based media appeals, focus on youth, and multi-level governmental coordination. Nevertheless, international organizations observed that the judiciary and prosecutors remained ill-equipped to prosecute trafficking cases, resulting in weak accountability for trafficking offenders. Despite several

reports of government employees' complicity in trafficking, no government officials were convicted of complicity. Finally, certain trafficking protections need to be implemented, including open shelters, adequately funded social service support, and effective long-term rehabilitation options for trafficking victims.



Recommendations for Kosovo: Make more vigorous efforts to prosecute, convict, and sentence sex and labor trafficking offenders, including officials complicit in trafficking; enhance trafficking-specific training for prosecutors and the judiciary; ensure that the social work protection for trafficking victims is fully funded; implement the National Strategy and Action Plan against Trafficking in Human Beings for 2011-2014; enhance investigation of forced labor offenses; increase detection of and protection for victims of forced begging in Kosovo; ensure that all trafficking victims are allowed to leave shelters unchaperoned and at will; appropriately fund municipal-level social work care for trafficking victims; continue evaluations of trafficking programs to ensure their efficacy; ensure that undocumented migrants are screened for potential victims of trafficking prior to deportation; improve restitution procedure to enable victims of trafficking to have access to restitution; disaggregate anti-trafficking law enforcement data between sex and labor trafficking; and continue public awareness campaigns, including campaigns about the risks of begging.

Prosecution

The Government of Kosovo improved its anti-trafficking law enforcement efforts in 2011, despite a continuing backlog of cases in the courts and problems with holding officials complicit in trafficking accountable. Kosovo prohibits all forms of trafficking in persons in articles 137 and 139 of the 2004 criminal code, and prescribes a maximum sentence of 12 years' imprisonment. These punishments are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. The Kosovo government's restructured anti-trafficking directorate continued to serve as the specialist law enforcement agency on trafficking, adding expertise to trafficking investigations, though the directorate lacks adequate equipment. The Kosovo government made efforts to recruit minority Serb officers for the anti-trafficking police force and had some successes, but was hindered by underlying political tensions.

In 2011, Kosovo police coordinated other Kosovo government authorities on 199 trafficking activities, all but two of which concerned sex trafficking. The Kosovo police conducted investigations of 88 suspected trafficking offenders; 79 of these individuals were referred to the prosecutor's office. Kosovo's judiciary continued to face serious challenges in 2011, including a long backlog of cases. Such limitations affected convictions and sentences. In 2011, authorities began prosecutions of 79 suspected offenders in 22 new cases; in 2010, there were 81 offenders in 28 new cases in 2010. The

government did not report how many of these cases were sex trafficking or labor trafficking. The government's conviction rate increased in 2011. The government reported that Kosovo courts convicted 37 trafficking offenders, a significant increase from 11 offenders convicted in 2010. These offenders were sentenced to terms between five months and 5.5 years; 21 of these offenders received prison terms less than two years. In addition to the convictions in Kosovo district courts, a mixed panel of European Union Rule of Law Mission and Kosovo Judges in the District Court of Prizren convicted seven Kosovars for trafficking offenses, among other crimes. These seven offenders were sentenced to prison terms of between one year and four years, one month. All officially identified trafficking victims cooperated with investigations and gave statements to the police.

Nevertheless, the OSCE raised concerns about the quality of trafficking investigations and prosecutions, noting that Kosovo legal practitioners often failed to properly apply the law to the established facts in potential trafficking cases. The report concluded that the judges sometimes convicted defendants on charges of "attempted" trafficking when a conviction for trafficking would have been supported by the facts. Judges and prosecutors were reportedly not well trained to prosecute trafficking cases. The Kosovo government collaborated with foreign governments in 16 international trafficking investigations. The government provided 173 police officers trafficking in persons training as part of the criminal investigation course. Kosovo law enforcement authorities investigated four cases involving four government officials in trafficking-related criminal charges during the reporting period. In two cases, the Kosovo Police dropped the charges after consultations with the Kosovo district prosecutor's office. The other two cases involving government officials remained under investigation. There were no prosecutions or convictions of government officials suspected of trafficking-related crimes.

Protection

The Kosovo government sustained its efforts to protect victims of trafficking, employing formal guidelines for the identification of trafficking victims. The government employed "Minimum Standards of Care for Victims of Trafficking" and "Standard Operating Procedures" outlining obligations of state officials and NGOs for the care and treatment of trafficking victims. These guidelines set victim-centered standards for investigations and protection, such as the provision of a victim advocate for every victim brought to police stations. According to NGOs and international governmental organizations, the Kosovo government referral process was generally followed. NGOs observed that children who were identified as trafficking victims were correctly treated by authorities. Children involved in begging, however, were generally not identified as trafficking victims. Kosovo government officials traced problems with identifying children in begging as trafficking victims to the fact that begging is classified as a misdemeanor rather than a trafficking offense; proposed revisions of the criminal code would ameliorate the classification.

The Kosovo government supported nine shelters that accommodated trafficking victims, including a government-run high security trafficking-specific shelter, a specialized shelter for children, and a shelter dedicated to the long-term rehabilitation of trafficking victims. Through these shelters, the government provided care such as housing, medical care, clothing, counseling, and legal and educational assistance.

In all but one shelter, victims of trafficking could not leave without a chaperone. The shelters did not offer care for any male victims of trafficking, but the government had developed a plan for a new shelter in 2013, anticipated to offer shelter for males and trafficking victims with disabilities. The government provided funding for 50 percent of all direct services to all trafficking victims at all shelters, but not all operational costs of the NGO-run shelters. The Kosovo police identified 39 victims of trafficking and referred 29 of them to shelters. The government identified the same number of victims in 2009. In 2011, the Kosovo government provided the equivalent of \$153,000 for trafficking victim assistance, down from the equivalent of \$216,234 provided for victim care in 2010. Following the transfer to municipal authorities of the responsibility for social work services, there has been insufficient social work capacity to support victims and victim advocates' offices are underfunded. The Kosovo government continued to provide tax incentives to businesses that offered employment opportunities to victims of trafficking, though none were employed during 2011. Although Kosovo's criminal procedure code provides for victim restitution, which could in theory compensate victims of trafficking, it has never been funded, nor has an administrator ever been appointed to manage the fund. Similarly, although the criminal procedure code permits asset seizure, the mechanism has rarely been used. Despite a government study identifying approximately 100 children in begging, the government identified few of these highly vulnerable children in begging as victims of trafficking. The Kosovo government participated in NGO-run task forces to discuss cases of children at risk, including children in begging.

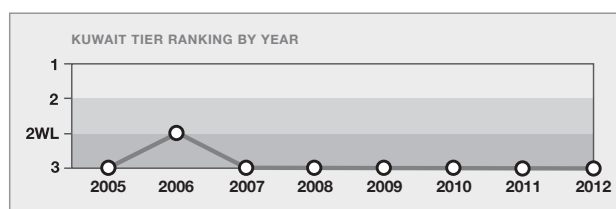
Prevention

The Government of Kosovo demonstrated strong efforts to prevent human trafficking this year, launching an anti-trafficking hotline and continuing a number of creative public awareness campaigns. The Government of Kosovo partnered with the OSCE to launch an anti-trafficking and domestic violence help line in October 2011. Since its launch, help line operators have received around 80 telephone calls from individuals requesting information on trafficking and domestic violence and seeking referrals in potential trafficking and domestic violence cases. In September and October 2011, the Kosovo government again held an intensive month-long anti-trafficking campaign with television and radio spots, youth anti-trafficking art and essay competitions, school outreach, and poster campaigns. In the spring of 2011, the Ministry of Education, Science and Technology continued its anti-trafficking civic education program "Skills for Life" in Kosovo schools. In August 2011, the Kosovo government adopted an anti-trafficking action plan for 2011-2014. The government collaborated with NGOs and international organizations on the development of this plan. The Government of Kosovo's inter-ministerial working group met monthly to coordinate government efforts to combat trafficking; sub-working groups addressing prevention, protection, prosecution, and the trafficking of children also met regularly. The Kosovo government reported that it attempted to reduce the demand for commercial sex acts through its arrests of clients of prostitution.

KUWAIT (Tier 3)

Kuwait is a destination country for men and women who are subjected to forced labor and, to a lesser degree, forced prostitution. Men and women migrate from India, Egypt, Bangladesh, Syria, Pakistan, the Philippines, Sri Lanka, Indonesia, Nepal, Iran, Jordan, Ethiopia, and Iraq to work in Kuwait, mainly in the domestic service, construction, and sanitation sectors. Although most of these migrants enter Kuwait voluntarily, upon arrival their sponsors and labor agents subject some migrants to conditions of forced labor, including nonpayment of wages, long working hours without rest, deprivation of food, threats, physical or sexual abuse, and restrictions on movement, such as confinement to the workplace and the withholding of passports. While Kuwait requires a standard contract for domestic workers delineating their rights, many workers report work conditions that are substantially different from those described in the contract; some workers never see the contract at all. Many of the migrant workers arriving for work in Kuwait have paid exorbitant fees to recruiters in their home countries or are coerced into paying labor broker fees in Kuwait that, by Kuwaiti law, should be paid for by the employer – a practice that makes workers highly vulnerable to forced labor once in Kuwait. Due to provisions of Kuwait's sponsorship law that restrict workers' movements and penalize workers for running away from abusive workplaces, domestic workers are particularly vulnerable to forced labor inside private homes. In addition, media sources report that runaway domestic workers fall prey to forced prostitution by agents who exploit their illegal status.

The Government of Kuwait does not fully comply with the minimum standards for the elimination of trafficking and is not making sufficient efforts to do so. The parliament has still not enacted a draft comprehensive anti-trafficking law. While various government ministries are tasked with addressing trafficking-related issues, there is no lead official, ministry, nor national coordinating body that focused on anti-trafficking efforts. The government's victim protection measures remain weak, particularly due to the lack of proactive victim identification and referral procedures and continued reliance on the sponsorship system, which inherently punishes, rather than protects, trafficking victims for immigration violations. The government continues to operate a temporary shelter for runaway female domestic workers, established in September 2007, though it offers no such facility accommodating male victims of trafficking. The government also did not make significant progress in fulfilling other commitments made since 2007, such as enacting a law to provide domestic workers with the same rights as other workers or completing the construction of a large-capacity permanent shelter for victims of trafficking. The government similarly made insufficient efforts to prevent trafficking in persons during the reporting period. For these reasons, Kuwait is placed on Tier 3 for a sixth consecutive year.



Recommendations for Kuwait: Enact the draft anti-trafficking bill to specifically prohibit and punish all human trafficking offenses; significantly increase efforts to prosecute, punish, and stringently sentence traffickers, particularly sponsors who force domestic workers into involuntary servitude; enact and enforce the draft domestic workers bill to provide domestic workers with the same rights as other workers, including the establishment of a minimum wage, the deposit of salaries into employee bank accounts, maximum working hours, overtime compensation, a clear job description, a contract provided in the domestic worker's native language, and the right to annual and sick leave; establish procedures to proactively identify all victims of human trafficking, especially among the female domestic worker population; establish and operate a large-scale shelter for trafficking victims; revise sponsorship provisions that make workers vulnerable to abuse, including domestic workers; enforce existing laws against sponsors and employers who illegally hold migrant workers' passports; continue to expand on existing anti-trafficking training to law enforcement and judicial officials; and significantly increase efforts to prevent trafficking.

Prosecution

The Government of Kuwait made few discernible efforts to improve its law enforcement efforts against trafficking during the reporting period. The government has yet to enact a comprehensive anti-trafficking bill that has been on the parliament's agenda since November 2009. Despite the continued absence of a comprehensive anti-trafficking law, the government could prosecute and punish trafficking offenses under other provisions of the Kuwaiti Criminal Code, but there is little evidence it has done so in a systematic fashion. Limited forms of transnational slavery are prohibited through Article 185, which prescribes a maximum penalty of five years' imprisonment. Law 16/1960 criminalizes forced labor or exploitation, while maltreatment that amounts to torture and leads to death is considered first-degree murder. Article 201, which prohibits forced prostitution, prescribes a maximum sentence of five years' imprisonment if the victim is an adult and seven years' if the victim is under the age of 18. These prescribed penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. Nonetheless, the government did not report any arrests, prosecutions, convictions, or sentences of traffickers during the reporting period for either forced labor or sex trafficking. Media sources report that in mid-2011, Kuwaiti security officials arrested a total of nine individuals for allegedly kidnapping women, some of whom were domestic workers, and selling the victims into forced prostitution. All cases were referred to the Public Prosecutor, but it remains unclear if these arrests resulted in prosecutions. Although the withholding of workers' passports is prohibited under Kuwaiti law, this practice remains common among sponsors and employers of foreign workers, and the Government of Kuwait has demonstrated no genuine efforts to enforce this prohibition. Almost none of the domestic workers who take refuge in their home-country embassy shelters have passports in their possession. The government remains reluctant to prosecute Kuwaiti citizens for trafficking offenses despite allegations that the majority of offenses involved Kuwaiti employers in private residences. When Kuwaiti nationals are investigated for trafficking offenses, they tend to receive less scrutiny than foreigners. Kuwaiti law enforcement generally takes an administrative or civil approach in addressing cases of forced labor, such as assessing fines, shutting down

employment firms, issuing orders for employers to return withheld passports, or requiring employers to pay back-wages. In June 2011, various government ministries received training on victim protection and best practices from foreign government and IOM officials. Also during this reporting period, the government provided funding to IOM to conduct anti-trafficking training for police, judges, and other officials in Kuwait.

Protection

During the year, the Kuwaiti government made inadequate efforts to protect victims of trafficking. It did not develop or implement formal procedures for the proactive identification of trafficking victims among vulnerable populations, such as foreign domestic workers and women in prostitution. Kuwait's migrant sponsorship law effectively dissuades foreign workers from reporting abuses committed by their employers to government authorities; workers who flee from their employers face criminal and financial penalties of up to six months' imprisonment, the equivalent of over \$2,000 in fines, and deportation for leaving without their employers' permission, even if they ran away from an abusive sponsor. The threat of these consequences discouraged workers from appealing to police or other government authorities for protection and from obtaining adequate legal redress for their exploitation.

The Government of Kuwait did not encourage victims of trafficking to assist in the investigation and prosecution of trafficking cases, and it did not offer foreign trafficking victims legal alternatives to their removal to countries in which they may face hardship or retribution. Moreover, victims were not offered legal aid by the government. Some foreign victims of trafficking received monetary settlements from their employers, though trafficking-related charges were not pursued against the employer. The Ministry of Social Affairs and Labor continued to operate a short-term shelter for runaway domestic workers with a maximum capacity of 40. The shelter detained victims involuntarily until their legal or immigration cases were resolved. The government also did not report the actual number of trafficking victims assisted at this shelter during the reporting period. It is unclear whether victims of forced prostitution can access the government's temporary shelter, and there continued to be no shelter or other protective services afforded for male victims of trafficking. In 2007, the government announced it would open a high-capacity shelter for runaway domestic workers; this shelter was under construction, but was not yet complete at the end of the reporting period. The Kuwaiti government provided source countries with funds to pay for the repatriation of some runaway domestic workers sheltered at their embassies in Kuwait. The Ministry of Interior continued to offer training on trafficking issues for government employees, including IOM-sponsored training courses on trafficking victim recognition and protection. The government does not, however, provide funding to domestic NGOs or international organizations that provide direct services to trafficking victims.

Prevention

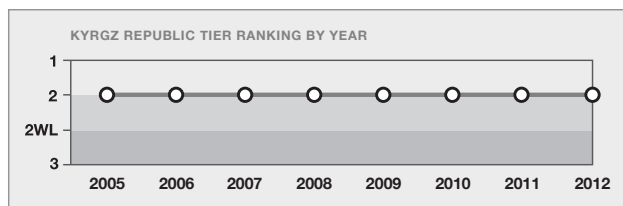
The Government of Kuwait made minimal progress in preventing trafficking in persons during the past year. The Private Sector Labor Law, enacted in February 2010, mandated the formation of a government-run sponsorship system for non-domestic laborers, which would replace the current sponsorship system. During the reporting period, the Minister

of Social Affairs and Labor worked to implement this legal requirement by creating the Public Authority for Manpower; however, parliament has not yet ratified the creation of this entity, so it has not become operational. A government provision set in April 2010 to increase the minimum wage for workers in the private sector continues to exclude Kuwait's more than a half-million domestic workers – the group most vulnerable to human trafficking – and does not establish mechanisms to monitor implementation of this rule. As in past years, the Ministry of *Auqaf* and Islamic Affairs made a nationwide effort to reduce overseas child sex tourism by requiring some Sunni mosques to deliver Friday sermons on the danger of sex abroad and Islam's strict teachings against improper sexual relations.

KYRGYZ REPUBLIC (Tier 2)

The Kyrgyz Republic (or Kyrgyzstan) is a source and transit country for men, women, and children subjected to forced labor, and for women subjected to forced prostitution. Kyrgyz men, women, and children are subjected to bonded labor in China and to conditions of forced labor in Russia and Kazakhstan, and to a lesser extent the Czech Republic, Turkey, and within the country, specifically in the agricultural, forestry, construction, and textile industries, and in domestic servitude and forced child care. Kyrgyz victims were recently identified for the first time in Angola and the United States. Women from the Kyrgyz Republic are subjected to forced prostitution in Turkey, the United Arab Emirates (UAE), Kazakhstan, China, South Korea, Greece, Cyprus, Thailand, Germany, and Syria. Some men and women from Uzbekistan, Tajikistan, and Turkmenistan transit the Kyrgyz Republic as they migrate to Russia, the UAE, and Turkey, where they are subsequently subjected to forced labor and forced prostitution. Kyrgyz boys and girls are subjected to forced prostitution within the country. An NGO study estimated that over 60,000 Kyrgyz citizens are victims of trafficking, both within the country and abroad.

The Government of the Kyrgyz Republic does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to prosecute trafficking cases and convict offenders, and identified more victims than in the previous year. Despite continued reports of corruption, however, the government did not investigate or prosecute any officials suspected of complicity in human trafficking.



Recommendations for the Kyrgyz Republic: Increase efforts to investigate and prosecute suspected trafficking offenses and convict and punish trafficking offenders, ensuring that a majority of those convicted of trafficking offenses serve time in prison; vigorously investigate and prosecute government officials suspected of being complicit in trafficking and convict and punish complicit government officials; continue trafficking sensitivity and awareness training for police, prosecutors, and

judges; and work to ensure that identified victims of trafficking are not punished for unlawful acts committed as a direct result of being trafficked.

Prosecution

The Kyrgyz government demonstrated some progress in its anti-trafficking law enforcement efforts during the reporting period. In November 2011, the government amended its 2005 Law on Prevention and Combating Trafficking in Persons, which criminalizes both sex and labor trafficking, to define human trafficking more broadly and clearly to include the use of force, fraud, or coercion for the purpose of exploitation. The law also covers a non-trafficking offense – child adoption for commercial purposes. Through this amendment, the government also raised the minimum penalty for trafficking in persons to five years' imprisonment from three; the maximum is 20 years. These penalties are sufficiently stringent and commensurate with prescribed penalties for other serious crimes, such as rape. In 2011, the government reported conducting seven trafficking investigations, compared with 11 trafficking investigations in 2010. The government prosecuted 13 suspected traffickers in six cases and convicted nine traffickers in three cases in 2011, compared with eight suspected traffickers prosecuted and three convicted in 2010. The government did not report information about the punishments of the convicted traffickers. The Ministry of Internal Affairs, along with several Kyrgyz academic institutions, conducted some training courses and seminars on fighting human trafficking. NGOs contended that some low-level law enforcement officials are complicit in human trafficking and accept bribes from traffickers; other low-level police failed to investigate potential trafficking offenses due to a lack of awareness. The government reported no efforts to investigate or prosecute any government officials suspected of being complicit in trafficking or convict or punish any complicit officials.

Protection

The Kyrgyz government sustained limited efforts to assist victims during the reporting period. The government did not have formal written procedures to guide officials in proactive identification of trafficking victims among high-risk persons with whom they came into contact. The government identified 38 victims and referred them to protective services in 2011, compared with 15 victims identified in 2010. Thirteen of these 38 victims were identified by Kyrgyz consular officials in destination countries. NGOs identified and assisted 164 victims in 2011. Of these 202 total victims, approximately 80 percent were victims of labor trafficking and 20 percent victims of sex trafficking. Fifteen percent of the 202 victims were trafficked within the country. Although the government did not provide funding to any organization that provided victim assistance in 2011, it continued to provide in-kind assistance to anti-trafficking NGOs, including facilities for three NGO-run shelters for victims of trafficking. Victims were able to leave the shelters freely. There was no information on whether the government encouraged victims to participate in trafficking investigations and prosecutions; no victims assisted law enforcement during the reporting period. During the reporting period, identified victims may have been penalized for unlawful acts committed as a direct result of their being trafficked, such as prostitution offenses.

Prevention

The Kyrgyz government sustained limited progress in trafficking prevention efforts. Government officials continued to provide Kyrgyz migrants with informational fliers and other trafficking awareness materials prepared by IOM and funded by a foreign government. The government continued to provide in-kind assistance to an NGO-run labor migration hotline which provided legal advice and assistance to potential victims of trafficking. The Ministry of Education continued to provide anti-trafficking awareness training to students as part of a program to educate students about potential dangers when working abroad. Building on its existing 2008-2011 national anti-trafficking action plan, the Kyrgyz government drafted a plan for 2011-2015 with the contribution of NGOs. The government continued its program to digitize passport records and expanded the program to include the digitization of birth records. The government did not undertake efforts to reduce the demand for commercial sex acts.

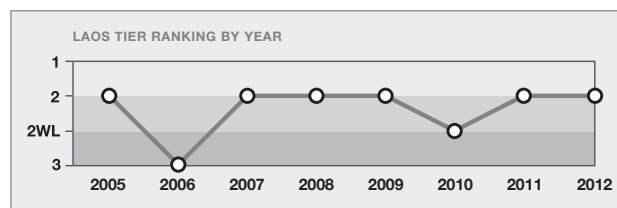
LAOS (Tier 2)

Laos is a source, and to a much lesser extent, a transit and destination country for women, children, and men who are subjected to forced prostitution and forced labor. Lao trafficking victims often are migrants seeking work outside of the country who encounter conditions of involuntary exploitation only after arriving in their destination countries, most often Thailand. Many Lao migrants, particularly women, pay broker fees, normally ranging from the equivalents of \$70 to \$200, to obtain jobs in Thailand, but after their arrival are subjected to conditions of sexual servitude in Thailand's commercial sex trade, and sometimes to forced labor in domestic service, garment factories, or agricultural industries. Lao men and boys are also victims of forced labor in Thailand, especially in the fishing and construction industries. Ethnic minority populations of Laos often are vulnerable to trafficking in Thailand, due to their lack of Thai language skills and unfamiliarity with Thai society. Members of the lowland Lao majority ethnic group are drawn to Thailand because of the cultural similarities and their ability to speak Thai, both of which allow them to acculturate with ease. Unfortunately, this also makes locating and identifying Lao victims more difficult. Small number of Lao women and girls are reportedly sold as brides in China.

Given its porous borders, Laos is increasingly a transit country for Vietnamese, Chinese, and Burmese women who are subjected to sex trafficking and forced labor in neighboring countries. Some Vietnamese and Chinese women are also subjected to forced prostitution in Laos, usually in close proximity to casinos or Special Economic Zones. Although there are fewer reported instances of internal trafficking, sex trafficking of Lao women and girls within the country remained a problem. Additionally, children, especially girls, are also vulnerable to the worst forms of trafficking, both domestically and internationally.

The Government of Laos does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the current reporting period, the government reported investigating 49 trafficking cases and convicting 37 trafficking offenders. While the victims received temporary services from the government, the trafficking laws do not fully protect all victims.

Neither proactive identification measures nor systematic monitoring efforts were implemented during the current year. The immigration police, who operate a trafficking in persons division at the Lao-Thai border, have reported minimal identification of victims among Lao who have returned or been deported from Thailand. The Government of Laos continued to operate a transit center in Vientiane, provided funding for the Lao Women's Union shelter, and continued to rely heavily on foreign donor support for long-term victim assistance. In mid-2011 the Ministry of Public Security (MOPS) upgraded its anti-trafficking division to a department in order to elevate its profile status within other government entities. Inefficiencies within the Lao bureaucracy, however, continued to delay approvals for local and international NGOs to implement anti-trafficking projects and agreements. The prime minister has yet to approve a final draft of the anti-trafficking national plan of action.



Recommendations for Laos: Increase efforts to address internal trafficking by identifying and assisting Lao citizens trafficked within the country and prosecuting their traffickers; demonstrate greater efforts to combat the trafficking complicity of public officials, especially on the local level, through the criminal prosecution of officials involved in trafficking crimes; develop monitoring mechanisms for labor recruiters tasked with processing work permits and contracts to prevent the trafficking of migrant workers; develop and implement formal victim identification procedures and train police and border officials to systematically identify trafficking victims, particularly among migrants returning from Thailand; increase resources and vocational trainings to support victims in reintegration after returning to their home communities; develop a victims' protection framework to increase the number of victims willing to testify or assist in investigations; approve memoranda of understanding with NGOs and international organizations in a more timely manner; increase country-wide awareness of court proceedings and legal avenues for trafficking matters; continue to implement visible anti-trafficking awareness campaigns directed at clients of the sex and labor trade; reduce the demand for sex tourism by promulgating awareness and enforcing criminal penalties; disseminate anti-trafficking educational materials to those dwelling in rural or minority areas of Laos, including the Northern provinces; sustain progress on the proposed national database system on trafficking cases; and continue to develop a comprehensive anti-trafficking law.

Prosecution

The Lao government made progress in its anti-trafficking law enforcement efforts during the current year. The government prohibits all forms of human trafficking through its 2006 revision of penal code Article 134, which prescribes penalties ranging from five years' to life imprisonment, fines ranging from the equivalent of \$1,250 to \$12,500, and confiscation of assets, which are sufficiently stringent punishments and commensurate with those prescribed for other serious crimes,

such as rape. In the fall of 2011, the government approved the establishment of a committee tasked with assessing current trafficking laws to locate and address gaps. Within the current reporting period, authorities reported investigating 49 cases of suspected trafficking, involving 69 alleged offenders, resulting in 37 convictions, compared with 20 cases investigated and 33 convictions in 2010. The government did not, however, provide details on punishment or sentences for the individual cases. Court proceedings still lacked due process and transparency, and the Lao judicial sector remained weak and inefficient. The general public's continued reluctance to work with law enforcement hampered the government's ability to effectively investigate internal or cross-border trafficking cases. Corruption remained an endemic problem in Laos. Anti-trafficking organizations reported that some village officials received payment to facilitate the immigration or transportation of girls to Thailand. The government did not report any investigations, prosecutions, or convictions of officials allegedly complicit in human trafficking.

Protection

The Government of Laos made modest efforts to identify and protect trafficking victims during the current reporting period. The government has yet to develop or implement formal victim identification procedures to proactively identify victims of trafficking among vulnerable groups. Upon their return from Thailand, victims identified by Thai or Lao authorities were referred to shelters or other providers of medical care, counseling services, and vocational training. During the year, 195 trafficking victims were returned to Laos under the official repatriation system, but more victims were among those "pushed back" unofficially by Thai authorities as undocumented migrants. The government continued to rely almost completely on NGOs and international organizations to provide or fund victim services. However, the central government funded and operated a transit center in Vientiane where identified victims of trafficking returning from Thailand stayed while assessments were conducted by the authorities. The Lao Women's Union continued to operate a hotline for reporting suspected cases of domestic violence and trafficking; although trafficking-related calls have been received, the number has not been recorded. Through the Law on Development and Protection of Women, women and children identified as trafficking victims are exempted from criminal prosecution for unlawful acts committed as a direct result of trafficking. The government reported encouraging victims to cooperate with prosecutions, and provided them privacy protections, but did not implement a framework for witness protection. Most anti-trafficking organizations focus on women and children, leaving male victims of trafficking without similar support. Anti-trafficking organizations also identified Northern Laos as a region that lacks much-needed victim assistance services. While the government depended on NGOs to provide resources for many trafficking initiatives, its own internal inefficiencies caused lengthy delays in granting approvals to NGOs and international organizations to implement anti-trafficking efforts in Laos. The government did not approve victim protection guidelines that were drafted during the previous reporting period with support from the UN and NGOs. Victim access to legal redress is undercut by unfamiliarity with court procedures. Laos does not provide legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship.

Prevention

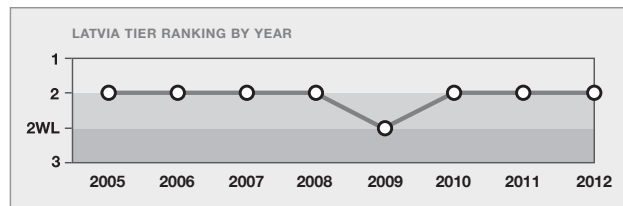
During the past year with assistance from international organizations and NGOs, the Lao government made moderate progress with its prevention efforts. The Lao Tourism Authority, a government agency, led workshops for hotel and other tourism professionals on how to recognize suspected child trafficking cases. Also, the People's Supreme Court, public prosecutors, and the MOPS trained village chiefs and district officials on trafficking investigations, and the Ministry of Justice disseminated information related to trafficking laws and victims' rights. Government authorities funded the equivalent of an estimated \$31,000 for other trainings facilitated by the Lao Women's Union. The Ministry of Information, Culture, and Tourism assisted in the sponsorship of a concert that raised awareness of human trafficking, and the government-controlled media continued to report on human trafficking. Although the National Assembly approved a national plan of action on human trafficking in 2007, it has yet to be approved by the prime minister's office. The Lao government publicized a national poster campaign against child sex tourism and also initiated a national hotline for callers to report suspected acts of child exploitation. However, due to a lack of human and physical resources, and an insufficient understanding of the scope and details of sex tourism in Laos, the government remained unable to sustain the implementation of these prevention efforts aimed at Lao or foreign nationals who participate in such activity.

LATVIA (Tier 2)

Latvia is a source and destination country for women subjected to sex trafficking and a source country for women, men, and children subjected to sex trafficking and forced labor. Latvian women are forced into prostitution in Italy, Spain, Ireland, Cyprus, Greece, the Netherlands, the United Kingdom, and Germany. Latvian men and women have been subjected to conditions of forced labor in the United Kingdom and Italy, and there were reports that Latvian men may have been subjected to conditions of forced labor in Sweden. Latvian women in brokered marriages in Western Europe, particularly Ireland, were vulnerable to domestic servitude and sex trafficking. Adult Latvian women are subject to internal sex trafficking. In prior years, there were unofficial reports that some Latvian teenage girls were subjected to sex trafficking within the country.

The Government of Latvia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to improve its anti-trafficking efforts, including by developing criteria for the identification of labor trafficking victims, by improving mechanisms to ensure that the foreign ministry referred trafficking victims to state-funded care, and by strengthening efforts to address sham marriages, which create a vulnerability to trafficking. The Latvian anti-trafficking working group provided strong leadership of the government's anti-trafficking policy and enhanced transparency of the government's efforts through reporting. The government increased its funding for NGO-provided victim assistance. The government investigated and prosecuted several former anti-trafficking police officers for corruption. Nevertheless, anti-trafficking law enforcement efforts faltered. Even though NGOs identified domestic victims of trafficking, law enforcement authorities did not identify similar cases. The number of trafficking prosecutions and convictions, as well

as the length of sentences in trafficking cases, all declined. Latvian authorities continued to prosecute cases under a non-trafficking statute (Section 165-1 of the Latvian Criminal Law) generally through the use of undercover officers, leading to concerns that the Latvian law enforcement efforts against the trafficking cases involving actual victims were low. Only two out of 11 convicted trafficking offenders were sentenced to any time in prison.



Recommendations for Latvia: Increase efforts to identify victims, particularly victims of labor trafficking and Latvian victims exploited within the country; vigorously investigate, prosecute, and convict trafficking cases; use the trafficking statute (Section 154-1 of the Latvian Criminal Law) to prosecute trafficking cases involving Latvian victims exploited abroad and domestically; explore ways to collaborate more closely with other European counterparts so that Latvia is empowered to better protect Latvian trafficking victims abroad and to prosecute their recruiters; impose criminal penalties on convicted trafficking offenders commensurate with the gravity of the crime committed; implement new labor trafficking identification guidelines; implement the recently designed repatriation mechanism to make state-funded trafficking victim assistance more accessible; continue efforts to ensure that all victims of trafficking are provided appropriate protections throughout the investigation and prosecution of trafficking offenses; continue implementing the 2009-2013 National Anti-Trafficking Program; consider centralizing anti-trafficking hotlines to enhance trafficking prevention and identification of trafficking victims; update key outreach efforts, such as the government's centralized anti-trafficking website; continue efforts to systematically monitor trafficking trends; and increase efforts to raise awareness about both sex and labor trafficking.

Prosecution

The Latvian government demonstrated decreased law enforcement efforts to combat trafficking in persons. Although the government instituted new procedures for conducting trafficking investigations and pursued corruption cases, its overall prosecution and conviction statistics decreased in 2011, resulting in fewer trafficking offenders receiving time in prison for their crimes. Latvia prohibits all forms of trafficking through Section 154-1 of its criminal law, which prescribe penalties ranging from a fine to 15 years' imprisonment. These prescribed penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government used Section 165-1 prohibiting the transfer of individuals for the purpose of sexual exploitation to investigate and prosecute most trafficking cases during the reporting period. The Government of Latvia claimed that this statute is easier for prosecutors to apply than Section 154-1 because the elements of force, fraud, or coercion are not required in prosecuting an offense under Section 165-1. Most of these cases involved the use of undercover officers posing as potential trafficking victims. While the

Latvian government portrayed these cases, to some degree, as "prevention" of trafficking, the targeting of cases involving undercover officers rather than real trafficking victims gave rise to concerns that the Latvian government did not take sufficient law enforcement action against traffickers exploiting actual victims in Latvia. Both the police and the prosecutors' offices have specialized anti-trafficking units. Regional police inspectors trained local officers on anti-trafficking measures. The number of trafficking cases the government investigated and prosecuted decreased in 2011, although the number of suspected offenders investigated remained approximately level. The government reported investigating 34 suspected offenders in 21 new sex trafficking cases, in contrast to 38 offenders in 31 cases investigated in 2010. Although the Government of Latvia did not investigate new labor trafficking cases, it continued an investigation in an older labor trafficking case and assisted foreign counterparts in the investigation of new cases. Latvian authorities prosecuted 27 suspected sex trafficking offenders in 2011, a decrease from 39 offenders prosecuted in 2010, but level with the 26 suspected offenders prosecuted in 2009. In 2011, 11 trafficking offenders received final convictions from the Courts of First Instance, a 48 percent decrease from the 21 who received final convictions from these courts in 2010. These figures do not include appealed convictions. Also, accountability for trafficking crimes remained a problem. Only two of the 11 convicted trafficking offenders were sentenced to time in prison, with each receiving sentences between one and three years' imprisonment. In 2010, five out of 21 convicted offenders were sentenced to prison terms. To enable specialists in the state police's anti-trafficking unit to screen criminal cases for potential trafficking violations, the Latvian regional police departments continued to provide monthly reports on crimes potentially involving trafficking in persons, pimping, and other prostitution offenses. However, in light of the reduced identification of trafficking cases, it was unclear whether the screening mechanism was effective. Latvian government officials trained law enforcement colleagues on identifying human trafficking. In January 2012, the government finalized official guidelines on the identification of labor trafficking victims, providing guidance to police and the labor inspectorate on how to differentiate labor exploitation and trafficking. The Government of Latvia collaborated with law enforcement officials in several countries, including Sweden, Germany, and the United Kingdom, on anti-trafficking investigations.

The Latvian police investigated a number of trafficking-related corruption cases this year. Latvian prosecutors investigated two former anti-trafficking police officers on corruption charges and indicted one. In the fall of 2011, Latvian state television documented a case in which seven of fifteen defendants charged with pimping had been donors to two influential political parties. The Latvian Corruption Preventing and Combating Bureau investigated these suspected trafficking-related corruption cases.

Protection

The Latvian government improved its victim protection efforts over the previous reporting period. In addition to increasing victim protection funding, the Government of Latvia identified and assisted a greater number of victims of more diverse forms of trafficking and designed an improved mechanism to ensure that victims of trafficking identified abroad are referred to state-funded assistance in Latvia. For 2012, the Ministry of Welfare obligated the equivalent of approximately \$78,000 to a designated NGO to provide

comprehensive services for victims of trafficking, an increase from the equivalent of approximately \$58,000 provided in 2011 and the equivalent of \$70,000 provided in 2010. The government offered each trafficking victim up to 6 months of rehabilitative care, including psychological assistance, medical aid, legal representation, housing, and reintegration services. While the government's allocation of increased funding in response to victim needs reflected a significant commitment, NGOs observed that the state-designed assistance mechanism was unduly bureaucratic; the assistance tender for 2011 was initially fixed to fund the care of seven victims, even though the number of victims from Latvia generally exceeded seven per year. The government certified 11 new victims for the state-funded victim assistance program in 2011, in contrast to nine new victims certified in 2010. Four victims certified in previous years also continued to receive trafficking victim services in 2011. All victims who received services were of Latvian origin. In contrast to prior years, two male labor trafficking victims received state-funded trafficking victim services. The Ministry of Interior reported that the police identified 29 victims of trafficking who agreed to assist in investigation procedures as witnesses but refused victim status and services because they did not consider themselves to be victims of a crime. Local NGOs identified and assisted an additional four victims of sex and labor trafficking, none of whom participated in the state-funded program. NGOs attributed the lack of participation in the government program to distrust of the police or concerns about confidentiality. The government did not identify either foreign or domestic victims within Latvia, although three of the victims identified by NGOs were victims of domestic sex trafficking. The Latvian government faced challenges in providing repatriation assistance to potential victims identified outside Latvia. In response, government agencies have proposed a mechanism for issuing repatriation loans to Latvians abroad. If approved, certified trafficking victims will not be required to repay those loans. The Ministry of Foreign Affairs (MFA) instituted a procedure to track potential trafficking victims identified abroad and to refer them to care in Latvia. The MFA reported a total of 101 potential trafficking instances identified by Latvian diplomats in Ireland, Germany, the United Kingdom, Netherlands, Italy, and Sweden in 2011 as a result of this new monitoring. The government employed some efforts to protect victims during trial, including through allowing written substitutes for victim testimony in cases of trauma and allowing victims to be absent from trial. There were no reports that identified victims were penalized for unlawful acts committed as a direct result of their being trafficked.

Prevention

The Latvian government demonstrated strong prevention efforts in 2011, displaying creative and diverse measures to prevent trafficking. The anti-trafficking working group continued to meet to coordinate the government's anti-trafficking activities. It incorporated new civil society members, such as the Free Trade Union Confederation, to join its ranks. The Latvian Ministry of Education and Science trained 55 teachers on trafficking in persons and integrated trafficking questions into a mandatory test for elementary school students. The Riga City local government also spent the equivalent of approximately \$20,000 for anti-trafficking efforts, such as distributing an anti-trafficking brochure, conducting trainings for 60 individuals in the Riga local government, and conducting outreach to school children on trafficking. The Government of Latvia collaborated with an NGO to deliver anti-trafficking messages at libraries throughout Latvia; 237

librarians and 118 young people from Latvia participated in the workshops. The Latvian government worked to reduce the demand for commercial sex by producing and publicizing an anti-trafficking video titled Reestablish Values in Your Life. The Latvian government continued to maintain various hotlines for the exchange of trafficking information with the general public, but it did not have a centralized trafficking hotline. It was not clear that the various government hotlines were effective in publicizing their anti-trafficking role. Whereas NGOs that do not receive state funding for anti-trafficking prevention efforts received more than 90 telephone inquiries on trafficking-related matters, the government reported only three cases in which trafficking victims called the government hotlines for assistance. In 2011, officials announced that the number of sham marriages between Latvian citizens and citizens of third countries in Ireland decreased by half; sham marriages continued to render some women highly vulnerable to trafficking. The MFA attributed the decrease to the government's recently improved marriage registration procedures. Despite these prevention efforts, there were anecdotal reports that there was low public awareness or minimal public disapproval of trafficking.

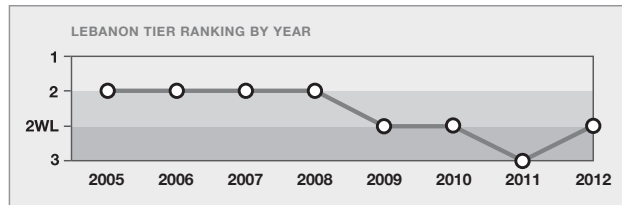
LEBANON (Tier 2 Watch List)

Lebanon is a source and destination country for women and children who are subjected to forced labor and sex trafficking. The country is also a transit point for Eastern European women and children subjected to sex trafficking in other Middle Eastern countries. Women from Sri Lanka, the Philippines, Ethiopia, Kenya, Bangladesh, Nepal, and Madagascar who travel to Lebanon with the assistance of recruitment agencies to work in domestic service are often subjected to conditions indicative of forced labor, including withholding of passports, nonpayment of wages, threat of arrest and deportation, restrictions on movement, verbal abuse, and physical assault. Workers who leave their employers' house without permission or a "release paper" automatically lose their legal status unless a change in their sponsorship is pre-arranged and approved by the General Directorate for General Security (SG), the government agency responsible for the entry, residency, and departure of foreign workers. Some employers in Lebanon threaten workers with the loss of this legal immigration status in order to keep them in forced labor and, in some cases, have kept foreign domestic workers confined in residences for years. A highly publicized case of an Ethiopian domestic worker who was publicly beaten by a Lebanese recruitment agent in March 2012 exemplified the abuse suffered by domestic workers in Lebanon; the worker committed suicide shortly after the incident was reported in the media.

The government's *artiste* visa program facilitates the entry of women from Eastern Europe, Morocco, and Tunisia on three-month visas to work as dancers in Lebanon's adult entertainment industry; 6,024 women entered Lebanon in 2011 under this visa program, which sustains a significant sex trade and enables forced prostitution through such practices as withholding of passports and restrictions on movement. Some Syrian women in street prostitution may be forced to engage in prostitution, and Syrian girls are reportedly brought to Lebanon for the purpose of prostitution, including through the guise of early marriage. Anecdotal information indicates that Lebanese children are victims of forced labor within the country, particularly in street begging as well as commercial sexual exploitation facilitated by

male pimps, husbands, and “boyfriends,” and at times through early marriage. Small numbers of Lebanese girls may be taken to other Arab countries for exploitation in prostitution.

The Government of Lebanon does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government enacted an anti-trafficking law, implemented awareness campaigns for foreign workers, increased investigations into allegations of abuse, and referred an increased number of victims for assistance. The government made combating human trafficking a national priority and demonstrated concerted efforts to educate the public on human trafficking. The government failed to show substantial progress in identifying foreign or Lebanese victims of trafficking – particularly victims of domestic servitude and commercial sexual exploitation – and allocated minimal resources to protecting victims. The government also failed to bring specific charges of forced labor or forced prostitution in cases involving abuses against migrant workers and did not assign adequate punishment to deter such crimes.



Recommendations for Lebanon: Implement the new anti-trafficking law by investigating and prosecuting trafficking offenses, and convicting and punishing trafficking offenders; enact the labor law amendment extending legal protections to foreign workers and the draft law providing increased labor protections to domestic workers, including foreign domestic workers; enforce the law prohibiting the confiscation of passports belonging to foreign migrants arriving in Lebanon; provide protection to victims, as stipulated in the anti-trafficking law; train police, judges, prosecutors, and other government officials about the new anti-trafficking law and how to enforce it; provide services such as shelter, access to legal aid and interpretation, and counseling to migrant workers and Lebanese nationals who are victims of forced labor and forced prostitution; develop and institute formal procedures to identify victims of trafficking among vulnerable populations, such as women holding *artiste* visas and domestic workers who have escaped abusive employers; ensure that identified victims of trafficking are promptly referred to protection services rather than detained for unlawful acts committed as a direct result of being trafficked, such as immigration violations or prostitution; raise awareness about the existence and uses of the Ministry of Labor’s complaints office and hotline, and enhance the quality of services provided; and amend the unified employment contract for domestic workers to recognize the worker’s right to leave his or her employer’s house during time off and retain his or her passport.

Prosecution

The government increased its capacity to conduct anti-trafficking law enforcement efforts by enacting comprehensive legislation and investigating some suspected trafficking cases. The government did not report any prosecutions or convictions of sex trafficking or forced labor *per se*, but it did report two

convictions that may have involved forced labor. In August 2011, Parliament passed Anti-Trafficking Law Number 164, which prohibits and punishes all forms of trafficking. The prescribed penalties for sex trafficking and forced labor range from five to 15 years’ imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Lebanon’s criminal code also prohibits all forms of human trafficking, though prosecutions usually rely on Article 554 (personal injuries) rather than articles prohibiting forced labor, slavery, or forced prostitution. A labor law amendment that would extend legal protections to foreign workers has not yet been submitted to the cabinet by the Ministry of Labor; as drafted, however, the amendment did not cover foreign domestic workers, who constitute the majority of foreign migrant workers in Lebanon.

There is no evidence that a sex trafficking case has ever been prosecuted in Lebanon, and the government has yet to prosecute a case of forced labor using the existing forced labor statutes in Lebanon’s penal code. Pursuit of such cases appeared to have been hampered by bureaucratic indifference and inefficiency, limited coordination between relevant ministries, court backlogs, and a lack of sufficient anti-trafficking training among police and judges, as well as cultural biases, particularly against foreign domestic workers. Given the significant hurdles to pursuing criminal complaints in the Lebanese court system and victims’ lack of adequate legal representation and knowledge of their rights, many foreign victims opted for quick administrative settlements followed by repatriation. Evidence suggests, however, that many cases were not resolved, and trafficking victims were deported without receiving their due wages. The Ministries of Labor and Justice and the SG provided information on their anti-trafficking efforts, but because of poor recordkeeping, data was incomplete and may be unreliable. The Internal Security Forces (ISF) and the SG reportedly investigated 16 suspected trafficking cases involving sexual exploitation, forced prostitution, physical abuse, unpaid wages, and exploitation of others in prostitution in 2011; fifteen of these were determined to constitute trafficking, and investigations into all 15 cases were ongoing at the end of the reporting period. Two of these investigations involved four Tunisian women holding *artiste* visas who were allegedly falsely promised jobs as secretaries, but forced into prostitution in a nightclub in Lebanon; while the SG notified the Tunisian embassy of the case, the SG deported the four *artistes* without providing them protective services. In 2011, the government reported two convictions that may have involved forced labor, yet the courts failed to prosecute the offenders under forced labor statutes. In October 2011, pursuant to Article 554 (personal injuries) of the criminal code, the employer of a Filipina domestic worker was convicted of physical abuse, sentenced to 10 days’ imprisonment, and required to pay the victim the equivalent of \$666 in compensation. The other conviction, rendered in July 2011 pursuant to Article 624 of the criminal code, required the employer to pay the domestic worker for the period worked, which was the equivalent of \$700. Although the SG reportedly investigated the incident of a recruitment agent who publicly beat an Ethiopian domestic worker in March 2012, the agent was briefly arrested and then released without charge. The government did not provide or fund specialized training for its officials to recognize, investigate, or prosecute cases of trafficking; however, government officials, including from the SG and ISF, social workers, judges, labor inspectors, and prosecutors participated in numerous NGO-run anti-trafficking trainings in 2011.

Protection

The government improved protection efforts, but did not make sufficient efforts to ensure trafficking victims received access to protective services or had resources to provide for their care during the reporting period. The new anti-trafficking law stipulates that the Ministry of Justice subcontract NGOs to provide victim assistance and protection; implementation decrees for the relevant article are pending cabinet approval. Law enforcement, immigration, and social services officials currently lack, but are working to develop, a formal system for proactively identifying trafficking victims among vulnerable populations with which they come in contact. This continued lack of systematic procedures led to the deportation of most domestic workers who fled their employers and those holding *artiste* visas who complained of abuse. Out-of-status migrant workers were generally not prosecuted or fined, but were typically arrested, detained, and deported without being screened for indicators of trafficking. Detention typically lasted for one to two months, but NGOs report some cases of arbitrary detention lasted longer. The SG continued to fund and operate a prison-style detention center in Beirut for up to 500 migrant workers in violation of their visa status or awaiting disposition of their cases. While the SG used a registration and identification system in the detention center to notify embassies from source countries of the presence of their nationals in detention, this system failed to provide specific guidance for identifying which detainees were victims of trafficking. The SG, however, permitted an NGO to interview detainees to identify trafficking victims among them. In 2010, a joint government-NGO working committee on victim protection issued standard operating procedures to guide the SG in the handling of irregular migrants held at its detention center, many of whom are foreign domestic workers, to enable more efficient and timely processing. An NGO observed that the SG began processing cases more quickly and efficiently this year.

The government did not provide or fund shelters for trafficking victims, though it relied on an NGO safe house to provide a range of victim services to female victims of trafficking. Pursuant to a 2005 memorandum of understanding between the SG and the NGO, the SG was required to refer trafficking victims to the safe house and to provide security for the location. Of the 214 cases of trafficking received by the safe house in 2011, the SG and the ISF referred 17, an increase from the seven victims the two agencies referred the previous year. The NGO noted improved cooperation with the SG over the last year in referring trafficking victims. Victims were neither encouraged to bring their cases to the attention of public prosecutors, nor offered residency status or other legal alternatives to removal to countries where they might face hardship or retribution.

Prevention

Although the Government of Lebanon made improved efforts to prevent trafficking over the last year through information awareness campaigns, deficiencies remained that put foreign migrant workers, particularly domestic workers, at risk of forced labor and other exploitation. In February 2012, SG officers at Beirut National Airport began distributing two booklets to migrant domestic workers upon their arrival at the airport; one booklet includes information on the anti-trafficking law and is printed in six languages, while the other is a booklet on rights and obligations printed in eight languages.

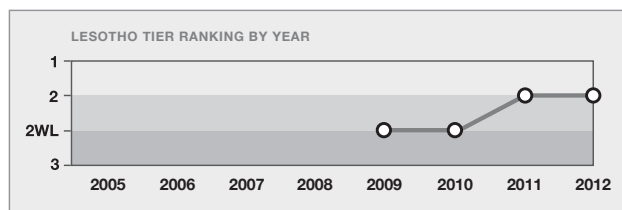
Despite this awareness campaign and a law prohibiting the confiscation of passports belonging to foreign migrants arriving in Lebanon, the SG required that, upon arrival to the country, foreign migrants surrender their passports to their sponsors, which limits workers' freedom of movement and makes them vulnerable to situations of human trafficking. The standard unified employment contract for migrant workers, in use since February 2009, is still not available in the 12 most common languages of migrant laborers; domestic workers must sign the contract in Arabic, a language that very few can read. The labor ministry continues to operate a hotline, established in April 2010, to receive labor complaints from foreign workers; however, it is unknown how many calls it received during the reporting period. The Ministry of Labor provided no statistics documenting the work of its 130 inspectors charged with investigating situations of forced adult and child labor, and Lebanon's 501 licensed employment agencies received little oversight by the ministry. The SG continued to implement its pilot program that distributed brochures to an unknown number of departing Moldovan *artistes* containing information on NGO resources available to trafficking victims in Moldova; however, Lebanese authorities did not provide protective services to Moldovan victims of sex trafficking. In September 2011, the Office of the Prime Minister established and convened a national anti-trafficking stakeholders group, which included experts from Lebanese government ministries, civil society, and international organizations, to discuss integrating a chapter on human trafficking within the national human rights draft action plan. The government's two national human trafficking steering committees, established in 2006, advised the government on draft laws and decrees and prevention campaigns; however, neither committee met during this reporting period. The government did not take any steps to reduce the demand for forced labor or commercial sex acts during the year.

LESOTHO (Tier 2)

Lesotho is a source and transit country for women and children subjected to conditions of forced labor and sex trafficking, and for men subjected to conditions of forced labor. Within Lesotho, women and children are subjected to domestic servitude and children, to a lesser extent, to commercial sexual exploitation. Basotho women and children are exploited in South Africa in domestic servitude and some girls brought to South Africa for forced marriages may subsequently encounter situations of domestic servitude or forced prostitution. Long-distance truck drivers offer to transport women and girls looking for legitimate employment. *En route*, the drivers rape some of these women and girls before forcing them into prostitution in South Africa. Others voluntarily migrate to South Africa seeking work in domestic service and are detained in prison-like conditions and forced to engage in prostitution. Some Basotho men who migrate voluntarily, though illegally, to South Africa to work in agriculture and mining become victims of forced labor; many work for weeks or months without pay, with their employer turning them over to authorities to be deported for immigration violations just before their promised pay day. Evidence exists that Basotho residents in South Africa returned to Lesotho as labor recruiters for farms in South Africa. Basotho nationals are also coerced into committing crimes, including theft, drug dealing, and drug smuggling under threats of violence, through forced drug use, or with promises of food. Chinese and Nigerian organized crime rings reportedly acquire some

Basotho victims while transporting foreign victims through Lesotho to Johannesburg. During the reporting period, new trafficking trends emerged, including the forced prostitution of Chinese women in Lesotho by Chinese men, as well as the trafficking of Ethiopian nationals by Ethiopian traffickers for domestic servitude in Lesotho.

The Government of Lesotho does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government convicted its first trafficking offender under its 2011 anti-trafficking act, although this conviction was reversed on appeal. It also began an additional five trafficking prosecutions. Although the government made efforts to prosecute offenders and protect victims, systematic weaknesses remain, as it has not begun drafting implementing regulations for the 2011 anti-trafficking act or developing formal identification and referral procedures. The greatest weakness in the government's efforts remains the provision of protective services, as it relies on NGOs without providing support via funding or in-kind assistance.



Recommendations for Lesotho: Complete implementing regulations for the 2011 anti-trafficking act; finalize and implement the national anti-trafficking action plan; continue to investigate and prosecute trafficking offenses under the 2011 act, including both internal and transnational cases; provide care to victims of trafficking via government centers or in partnership with international organizations or NGOs and develop a formal mechanism, in line with the 2011 act, to refer victims to such care; develop a formal system to proactively identify trafficking victims among vulnerable populations; increase training for law enforcement officers in victim identification; forge a partnership with South African police to investigate reports of Basotho citizens forced to labor on farms in South Africa and prosecute exploitative farm owners; establish a system to collect and analyze data on victims identified and assisted, trafficking offenses investigated and prosecuted, and trafficking offenders convicted and punished; and launch a national anti-trafficking awareness campaign.

Prosecution

The government made progress in its anti-trafficking law enforcement efforts during the year. The Anti-Trafficking in Persons Act, which came into effect in January 2011, prohibits and punishes all forms of trafficking in persons. It prescribes penalties of 25 years' imprisonment or a fine the equivalent of \$125,000 under Section 5(1) for the trafficking of adults and life imprisonment or a fine the equivalent of \$250,000 under Section 5(2) for the trafficking of children; these penalties are sufficiently stringent and commensurate with other serious crimes. Labor recruiters who knowingly recruit workers for forced labor are liable for the same penalties as those who hold them in servitude. The government has yet to begin drafting implementing regulations necessary to enforce the legislation in full. The Child Protection and

Welfare Act, enacted in March 2011, provides penalties of life imprisonment or a fine the equivalent of \$125,000 for child trafficking. In October 2011, the Lesotho Mounted Police Service (LMPS) created an anti-trafficking unit within its Child and Gender Protection Unit (CGPU). In January 2012, the magistrate court convicted and sentenced a Chinese national to 15 years' imprisonment under the 2011 anti-trafficking act for the sex and labor trafficking of a Chinese woman in Lesotho. In May 2012, following the Chinese offender's successful appeal of his conviction, authorities released him from jail; the director of public prosecutions is currently appealing that decision. Two additional suspects in this case, whom authorities believe to have been the principal orchestrators of the crime, have fled the country. An additional five cases remained pending prosecution, including a domestic servitude case involving two Ethiopians charged with the labor trafficking of one Ethiopian national. The government increased regional cooperative efforts through the drafting of a memorandum of understanding with Mozambique to jointly investigate transnational crimes and share best practices. The LMPS initiated joint investigations with the South African Police Service (SAPS) into 21 potential trafficking cases, an increase over seven joint investigations in 2010; the LMPS and SAPS continued their periodic meetings to discuss cross-border crimes, which started in the previous reporting period. The government did not provide data on investigations, prosecutions, convictions, or sentences of public officials complicit in human trafficking, though there was no evidence of government involvement in or tolerance of trafficking on a local or institutional level. In 2011, the LMPS began inclusion of a trafficking-specific module in its basic training courses for new recruits, with 210 recruits trained during the year.

Protection

The government made modest efforts to protect victims during the reporting period. The CGPU identified 24 trafficking victims in 2011, but was unable to provide details on all of these cases, which included 15 Basotho nationals between the ages of 16 and 27 brought into South Africa for the purposes of sexual exploitation and forced labor. However, the government has not yet established care centers for trafficking victims, as set forth in the 2011 act. The government referred all identified victims to NGO-run care centers for assistance, but it did not provide funding or in-kind support to these centers. Although the government has not yet developed a formal process to refer victims to care, NGOs involved in the current *ad hoc* referral process indicated that it works well in practice. Medical services were provided to victims free of charge at government hospitals and clinics and the CGPU provided limited counseling to victims before referring them to NGOs for more comprehensive care. The Department of Health and Social Welfare entered into an agreement with a trafficking-specific victim shelter in November 2011, allowing for official referral of victims to the shelter; however, the government did not provide financial or in-kind support to the shelter for the services it provided to victims during the year. The government continued its operation of a one-stop drop-in center in Maseru for the protection of victims of gender-based violence that includes specialized – though limited – services for both male and female victims of trafficking; the center's staff are primarily funded by private sector entities, but include some government social workers.

The 2011 act protects victims from prosecution for unlawful acts committed as a direct result of being trafficked, provides

foreign victims with permanent residency as a legal alternative to their removal, and encourages victims to assist in the investigation of traffickers. The CGPU provided security for two victims who assisted in the investigation and prosecution of their traffickers during the year. There is no evidence that victims were penalized for unlawful acts committed as a direct result of being trafficked.

Prevention

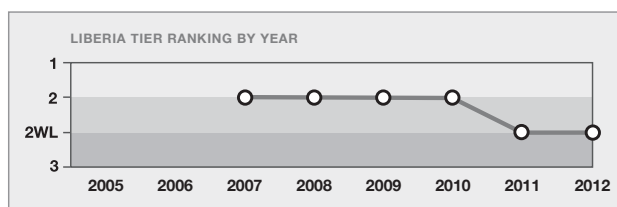
The Government of Lesotho maintained its efforts to prevent trafficking. Its multi-sectoral committee on trafficking met monthly during the year. In 2011, the committee hired a consultant to assist in the drafting of a national plan of action; however, due to an apparent conflict with the consultant, the government has yet to receive a copy of the finalized plan. Although the government did not budget funding specifically for anti-trafficking efforts, it dedicated the equivalent of approximately \$125,000 to anti-trafficking trainings, sensitization efforts, and the printing of awareness materials. The government sponsored a number of anti-trafficking awareness campaigns during the reporting period. The Ministry of Home Affairs held public awareness campaigns that targeted women's groups, principal and ward chiefs, 720 herd boys nationwide, and 36 trainers; for example, the Thaba Tseka campus of the Lesotho College of Education trained 54 teachers on how to recognize and prevent trafficking among their students and within their communities. The LMPs, SAPS, and NGOs partnered to raise awareness through three campaigns along the Lesotho-South Africa border, involving radio broadcasts and community events during the reporting period. The Ministry of Labor and Employment conducted 1,000 labor inspections during the year, but did not report the identification of any child labor violations. The government did not take action to reduce the demand for commercial sex acts.

LIBERIA (Tier 2 Watch List)

Liberia is a source, transit, and destination country for young women and children subjected to forced labor and sex trafficking. Most trafficking victims originate from and are exploited within the country's borders, and are subjected to domestic servitude, forced begging, sex trafficking, or forced labor in street vending, rubber plantations, and alluvial diamond mines. Traffickers operate independently and are commonly family members who may promise poorer relatives a better life for their children. Children sent to work as domestic servants for their wealthier relatives are vulnerable to forced labor or, to a lesser extent, commercial sexual exploitation. Orphaned children remain susceptible to exploitation, including in street selling and prostitution. A small number of Liberian men, women, and children are subjected to human trafficking in Cote d'Ivoire, Guinea, Sierra Leone, Nigeria, and the United States. Victims of transnational trafficking come to Liberia from Sierra Leone, Guinea, Cote d'Ivoire, and Nigeria and are subjected to the same types of exploitation as internally trafficked victims.

The Government of Liberia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The Liberian government has never convicted a trafficking offender using its 2005 anti-trafficking law, and it made only minimal efforts to protect trafficking victims and was inconsistent in referring

victims to NGO service providers. It did provide limited anti-trafficking training to law enforcement officials, magistrates, and officers of the Liberia National Police's Women and Children's Protection Unit received additional training in women and children-related crimes like gender-based violence, domestic violence, and trafficking. The Anti-Human Trafficking Task Force finalized, but did not implement, standard operating procedures that establish the roles and responsibilities in coordinating and referring trafficking victims to care. In September 2011, the government enacted the National Children's Act – which reportedly addresses child trafficking, but the government did not implement the law during the reporting period. Many members of the government continue to conflate kidnapping and smuggling offenses with human trafficking crimes. In sum, the Government of Liberia did not demonstrate evidence of overall increasing efforts to address human trafficking; therefore, Liberia is placed on Tier 2 Watch List for a second consecutive year.



Recommendations for Liberia: Start prosecuting trafficking offenses and convicting and punishing trafficking offenders; train law enforcement officials and magistrates to apply the anti-trafficking law and to distinguish trafficking crimes from cases of human smuggling or kidnapping; allocate funding for regular, continued activities of the Anti-Human Trafficking Task Force; finalize, implement and educate NGOs, government officials, law enforcement, and magistrates on the "Direct Assistance and Support to Trafficked Victims Standard Operating Procedures" such that these officials learn to proactively identify and provide protective services to trafficking victims; publish, disseminate, and implement the National Children's Act; and increase efforts to educate the public about the dangers of human trafficking.

Prosecution

The Government of Liberia demonstrated minimal anti-trafficking law enforcement efforts during the reporting period. Liberia's 2005 Act to Ban Trafficking in Persons specifically prohibits all forms of transnational as well as internal trafficking. The law prescribes a minimum sentence of one year's imprisonment for the trafficking of adults and six years' imprisonment for the trafficking of children. The penalty for the sex and labor trafficking of children is sufficiently stringent, but the penalty for sex and labor trafficking of adults is not, nor is it commensurate with the prescribed penalties for other serious offenses, such as rape. In September 2011, the government passed the National Children's Act, which strengthens provisions of the 2005 Act to Ban Trafficking in Persons. The text of the National Children's Act has not yet been disseminated, as handbills and awaits implementation.

The Women and Children Protection Section of the Liberian National Police reported that it investigated one trafficking case during the year and referred it for prosecution. The government did not prosecute, convict, or sentence any trafficking offenders in 2011. The government has yet to convict a trafficking

offender under the Act to Ban Trafficking in Persons. During the reporting period, 150 new national police officers received training on how to report suspected trafficking cases to the Women and Children Protection Section. While there were no official allegations of law enforcement complicity in trafficking during the reporting period, issues with bribery at border stations and a lack of capacity and corruption in the judicial system were reported.

Protection

During the past year, the government provided limited protective services to victims and was inconsistent in referring victims to NGOs for protective services. No specialized services exist for trafficking victims in Liberia. During the reporting period, the government identified only one trafficking victim, indicating that law enforcement officials have yet to consistently employ procedures for the proactive identification of trafficking victims among vulnerable populations, such as children in begging situations or individuals in prostitution. In November 2010, the Anti-Human Trafficking Task Force produced the "Direct Assistance and Support to Trafficked Victims Standard Operation Procedures," which establishes the basic roles and responsibilities of various stakeholders in coordinating referrals of trafficking victims to assistance. Although the standard operating procedures were thought to have been finalized, as of the end of the reporting period, a new process was underway to update and approve the standard operating procedures. The 2005 Act to Ban Trafficking in Persons absolves victims from responsibility for unlawful acts committed as a result of their being trafficked, and there were no reports that this practice was ignored in the case of the one victim identified during the year. The government continued to claim that it encouraged victims to assist with the investigation and prosecution of traffickers, although only one forced labor victim was identified and no prosecutions were initiated during the year.

Prevention

The Liberian government sustained modest efforts to prevent trafficking in persons throughout the reporting period. The Anti-Human Trafficking Task Force, the government's coordinating body, resumed meeting in September of 2011 following funding and internal issues during the prior year. When the Liberian National Police discovered two cases involving the potential exploitation of children relocated for educational purposes, officers embarked on an "investigative tour" in western Liberia to warn parents of the dangers of forced labor and exploitation among children entrusted to others for education. The Ministry of Labor continued to run anti-trafficking radio campaigns throughout the country, as well as billboard campaigns in the capitol city, Monrovia, in partnership with a foreign donor. The Ministry of Labor's National Commission on Child Labor, which is responsible for implementing and advocating for national policies to address the worst forms of child labor, investigated allegations of child labor used in street selling. The Child Protection Network, which is located in the Ministry of Gender and Development, conducted monthly meetings to coordinate and discuss child protection, labor, and trafficking issues and lobbied legislators for the passage of the National Children's Act. In March 2012, the government launched a public dialogue campaign to better understand why young girls and women may be drawn into or exploited by the commercial sex trade.

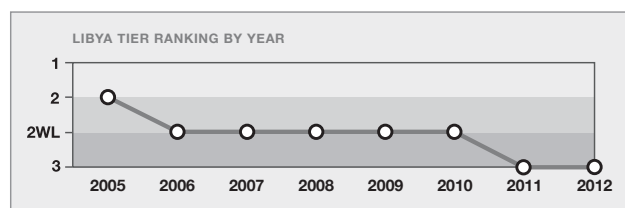
LIBYA (Tier 3)

Libya is a destination and transit country for men and women from sub-Saharan Africa and Asia subjected to forced labor and forced prostitution. Migrants typically seek employment in Libya as laborers and domestic workers or transit Libya *en route* to Europe. Due to the violent nature of the conflict that seized Libya from February to October 2011, there are no accurate figures available regarding the number of foreigners in Libya. Prior to the February 17, 2011 revolution, there were an estimated 1.5 to 2 million foreigners in Libya, most of whom subsequently fled the country. Many of those that remained in the country, especially migrants from Sub-Saharan Africa, were detained by both pro- and anti-Qadhafi forces as suspected mercenaries; some of these migrants may be trafficking victims. The government estimates that there are currently 8,300 people in prisons and detention centers, many of whom are migrants. Of those, 2,300 are held in Ministry of Justice-controlled prisons, and nearly 6,000 detainees remain outside of government control. Some militia-controlled detention centers have begun to sell detained migrants into conditions of forced labor. NGOs have reported that migrant flows are steadily returning to their pre-revolutionary levels. Government officials report there were approximately 6,500 children under the age of 18 who identified themselves as "revolutionaries," some of whom may have supported militias during the revolution, though their roles were unclear at the end of the reporting period. International organizations and NGOs report that adolescent males were involved in support roles for forces associated with the Transitional National Council (TNC), including manning checkpoints, securing strategic buildings, and driving cars; some were armed and uniformed, while others took part in active fighting. There are also reports of the recruitment and use of children by the Qadhafi-controlled armed forces and other pro-regime elements, including paramilitary forces from neighboring countries such as Chad.

Trafficking networks from Niger, Nigeria, and other sub-Saharan states have also returned to Libya. These networks use a variety of techniques to hold people in conditions of forced labor and forced prostitution, including fraudulent recruitment practices, confiscation of identity and travel documents, withholding or nonpayment of wages, and debt bondage. While most migrants are typically destined for Europe, a combination of continued civil unrest, disrupted shipping lanes, and European coastal patrols have resulted in trafficked persons remaining in Libya for extended periods of time. While in Libya, many of the trafficked men are forced into manual labor, and there are credible reports of prostitution rings involved in trafficking sub-Saharan women into brothels, particularly in southern Libya.

The Government of Libya does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Libya is placed on Tier 3. During the reporting period, the Government of Libya – both the former Qadhafi regime and the TNC, which came to power after the fall of the Qadhafi regime in October 2011 – failed to demonstrate significant efforts to investigate and prosecute trafficking offenses or to protect trafficking victims. Moreover, both governments' policies and practices with respect to undocumented migrant workers resulted in Libyan authorities detaining and punishing trafficking victims for unlawful acts that were committed as a result of

their being trafficked. There were reports that some detained foreign migrants were sold into conditions of forced labor by militias running detention centers. During the reporting period, the TNC functioned as a purely interim body with very limited legislative and executive mandates and lacked control over all of Libya's territory before October 2011. There is also significant confusion within the government as to which laws are still valid and which have been rendered void since the fall of the Qadhafi regime. Due to the civil unrest and political situation in Libya during the majority of this reporting period, accurate information regarding the trafficking situation in Libya is somewhat limited.



Recommendations for Libya: Draft, pass, and enact legislation that prohibits all forms of trafficking; increase law enforcement efforts to investigate and prosecute trafficking offenses; develop and implement standard procedures on identifying trafficking victims and provide victims with protection; investigate and prosecute officials who are complicit in human trafficking; ensure that victims are not susceptible to detention, deportation, or punishment for their unlawful presence in Libya; ensure that trafficking victims are not punished for unlawful acts that were committed as a result of their being trafficked; protect detained migrants from being sold into conditions of forced labor; and undertake an information campaign to raise public awareness about human trafficking.

Prosecution

Neither the Qadhafi regime nor the TNC demonstrated any discernible anti-trafficking law enforcement efforts over the past year. Libyan law does not prohibit all forms of trafficking. In November 2010, the General People's Committee for Justice drafted amendments to articles 336-339 of the Libyan criminal code, which would have criminalized trafficking in persons, although some of the definitions, as drafted, appear overly broad. The draft anti-trafficking legislation has not been adopted. While articles in the criminal code prohibit prostitution, sexual exploitation, slavery, and trafficking in women, there was no indication that the government used these statutes to prosecute trafficking offenses during the reporting period. In March 2012, Libyan security forces reportedly investigated a trafficking ring that was moving Bangladeshi and Somali victims across the Egypt-Libya border and placing them in slave-like conditions on a Libyan farm. Following the revolution, the TNC had limited judicial capacity; little prosecution of Libyan laws occurred and courts, lawyers, and defendants faced security challenges. Reporting also suggests that some police were complicit in or failed to combat human trafficking.

Protection

The Libyan government took no discernible steps to improve the protection of trafficking victims during the reporting period. The government did not develop or implement

procedures for authorities to identify trafficking victims, nor did it demonstrate efforts to refer victims detained by authorities to protective facilities. Furthermore, some reporting indicates that detained foreign migrants, some of whom may be trafficking victims, are further vulnerable to being sold into conditions of forced labor. During the reporting period, the government worked with international organizations to repatriate foreign migrants. As in the previous reporting period, the government has shown no effort to encourage victims to participate in the investigation and prosecution of trafficking offenders. The government did not have procedures to identify trafficking victims among undocumented migrants; thus, trafficking victims were frequently subject to detention, deportation, or punishment for their unlawful presence in Libya as a result of being trafficked. The government also did not provide foreign victims of trafficking with legal alternatives to their removal to countries where they faced hardship or retribution.

Prevention

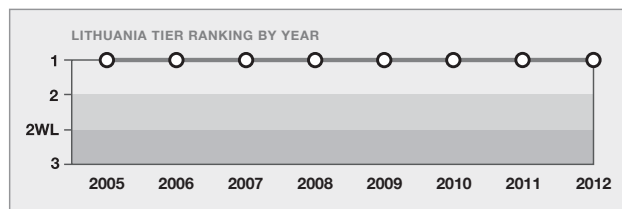
The Government of Libya made no efforts to prevent human trafficking. Public awareness of human trafficking – as a phenomenon distinct from illegal immigration and smuggling – remained low in Libya, including among government officials. During the reporting period, the government did not conduct any public anti-trafficking awareness or information campaigns, nor did it train officials on trafficking issues. Libya did not take actions to reduce demand for commercial sex acts or to prevent child sex tourism abroad.

LITHUANIA (Tier 1)

Lithuania is a source, transit, and destination country for women and girls subjected to sex trafficking. There were also government reports that Lithuanian boys and girls were forced to steal in foreign countries and that Lithuanian men were subjected to forced labor. NGOs estimated that 40 percent of identified Lithuanian trafficking victims are women and girls subjected to sex trafficking within the country. Lithuanian women are also victims of sex trafficking in the United Kingdom (UK), Germany, Spain, the Netherlands, Greece, Italy, France, Denmark, Sweden, Finland, Norway, and the Czech Republic. Prosecutors estimate that over 1,200 women from Lithuania become victims of trafficking each year. Lithuanian women and girls from orphanages and state-run foster homes, as well as women with mental or psychological disabilities, are victims of trafficking in persons. A small number of women from Russia and Belarus are transported through Lithuania *en route* to Western Europe, where they are subsequently subjected to forced prostitution.

The Government of Lithuania fully complies with the minimum standards for the elimination of trafficking. In 2011, the Lithuanian government doubled its victim identifications, tripled its anti-trafficking investigations, and ensured that all convicted trafficking offenders were sentenced to time in prison. The government also significantly increased funding for victim care and provided in-kind assistance to NGOs providing services to trafficking victims. Nevertheless, funding remained low for the extent of the trafficking problem in Lithuania and the government still struggled to provide sustainable support to NGOs administering care to victims of trafficking. Law enforcement actions increased in quantity

but were uneven in practice, and NGOs reported that victim identification procedures were generally ineffective. Some law enforcement officials remained unaware that child prostitution is considered a form of human trafficking under Lithuanian and international law. Efforts to address labor trafficking lagged behind efforts to combat sex trafficking; the government did not begin any labor trafficking investigations in 2011.



Recommendations for Lithuania: Amend criminal law to prohibit forced begging and forced criminal behavior under the trafficking statute; continue to intensify efforts to proactively identify victims of trafficking, particularly victims of labor trafficking and children in prostitution; vigorously investigate and prosecute trafficking offenses, including labor trafficking offenses; ensure effective training of law enforcement officers, prosecutors, and judges on anti-trafficking principles; sustainably fund NGOs to provide victim protection; integrate an anti-trafficking module into the basic training of the police; improve consular efforts to ensure that victims identified abroad are referred to care in Lithuania, including by ensuring sensitivity of consular officers to trafficking victims; ensure that victims of trafficking are provided with stronger protection during the course of trial; ensure that victims of trafficking are never required to fund their own travel to trial; monitor trials to ensure that trafficking victims are treated sensitively in the course of trial; ensure that male trafficking victims are offered equal access to care and treatment; intensify efforts to increase public awareness and disapproval of trafficking in persons; intensify public awareness to help the general population understand that Lithuanians can be victims of trafficking within their own country; and fund an anti-trafficking hotline.

Prosecution

The Government of Lithuania demonstrated improved anti-trafficking law enforcement efforts during the reporting period by increasing investigations and prosecutions, although there were reports that the Lithuanian prosecution efforts were hampered by inconsistencies in investigative skills and in the level of sensitivity shown to trafficking victims. Lithuania prohibits most forms of human trafficking through articles 147 and 157 of its criminal code, which prescribe penalties ranging from a fine to 12 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Another section of the criminal code covers the forced criminal behavior of children; the Ministry of Justice initiated amendments to the anti-trafficking statute to incorporate forced criminal behavior in order to comply with the EU Trafficking Directive. Lithuanian authorities initiated 21 sex trafficking investigations in 2011, compared with seven such investigations initiated in 2010. The government did not investigate any labor trafficking cases in 2011. During the last year, authorities prosecuted 37 offenders, an increase from the 20 offenders prosecuted in 2010. Seventeen trafficking offenders were convicted in 2011, an increase from nine trafficking offenders convicted

in 2010. All convicted trafficking offenders were sentenced to time in prison, with terms ranging from two to 10 years' imprisonment. In 2010, the government punished offenders with sentences ranging from seven to 11 years in prison. Expertise in the investigation and prosecution of human trafficking cases remained uneven throughout Lithuania; while specialized units in Lithuania were skilled in trafficking investigations, law enforcement officers and investigators in rural areas sometimes lacked experience in investigating trafficking cases and identifying trafficking victims. Law enforcement officers inconsistently understood that third-party involvement in child prostitution should be prosecuted under the trafficking statute. Prosecutions were also hampered by victims' reluctance to seek help or participate in the criminal process. NGOs observed that some judges' discrimination against victims of trafficking made the victims hesitant to testify in criminal trials. Trafficking in persons has not been integrated into basic police training. In 2011, the Lithuanian government collaborated with foreign governments, including Ukraine, in six international trafficking investigations. The Government of Lithuania extradited one person for human trafficking. The government did not report the investigation, prosecution, conviction, or sentencing of any public official complicit in human trafficking.

Protection

The Lithuanian government demonstrated improved efforts to assist victims of human trafficking during the reporting period. The government allocated the equivalent of \$60,000 to NGOs for trafficking victim assistance in 2011, a significant increase from the 2010 financial allocation of the equivalent to \$35,000. The government also provided in-kind support to NGOs caring for trafficking victims, including the use of government buildings. Despite the increase, funding for victim care was still low for the number of Lithuanian victims of trafficking identified. The Lithuanian government identified 45 trafficking victims during the reporting period, more than double the 22 victims of trafficking identified in 2010. The government did not report identifying labor trafficking victims. All identified trafficking victims were referred to NGOs for care. During the reporting period, NGOs reported assisting approximately 130 victims of trafficking, approximately level with the 150 victims of trafficking assisted in 2010. Lithuania's victim care facilities are primarily operated by NGOs, sometimes with municipal funding. Most of these are mixed-use facilities that also serve domestic violence victims. Victims could leave the government-funded shelters at their own will and without a chaperone. There were no shelters available for men or boys; men's crisis centers were available to provide other victim services to abused men, including any trafficking victims. NGOs complained about the lack of sufficient funding provided by the government to fully carry out their obligations of victim care. Although government officials employed formal procedures to identify trafficking victims among vulnerable populations – such as women in prostitution, street children, and undocumented migrants – NGOs reported that these procedures were generally ineffective. The Law on the Legal Status of Aliens allows officials to grant foreign trafficking victims a six-month temporary residency permit if they agree to participate in criminal proceedings. However, only one trafficking victim received a temporary residence permit in 2011. The government reported that Lithuanian victims were encouraged to participate in trafficking investigations; the majority of the 45 identified victims participated in the prosecution of trafficking offenders in 2011. Nevertheless,

NGOs reported that victims of trafficking were sometimes reluctant to participate in trials because, at times, they were obliged to fund their own travel to trial. In November 2011, the government organized a two-day training program on trafficking victim assistance for approximately 50 social workers from Vilnius and Kaunas. There were no reports that any identified trafficking victims were detained, fined, or jailed for unlawful acts committed as a result of their being trafficked; concerns persisted that, to the extent that law enforcement officials did not fully understand that children in prostitution were considered to be trafficking victims, these children may have been subject to penalties for their participation in prostitution.

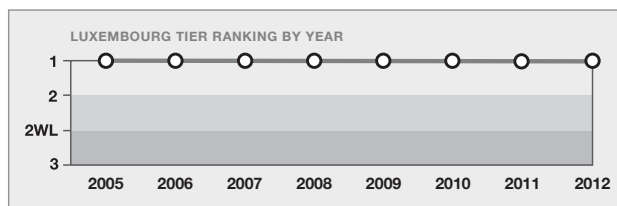
Prevention

The Lithuanian government improved its prevention efforts during the reporting period. The government sustained partnerships with NGOs through joint organization of approximately 35 anti-trafficking events, including seminars and public lectures, involving over 400 specialists. The government did not undertake any broad-based public awareness campaigns to raise the profile of its trafficking problem. There was reportedly low public awareness of trafficking. The Ministry of Foreign Affairs organized anti-trafficking training for 36 consular officials. Lithuanian police continued their outreach to school children to educate them on trafficking. The government continued to convene its multiagency working group to address trafficking. The Government of Lithuania reported that not all planned activities from the national action plan of 2009-2012 were implemented in 2011 because of budget constraints. NGOs claimed that the national action plan was not implemented effectively in 2011. The Lithuanian government made some efforts to reduce the demand for commercial sex, including by penalizing the purchasers of sexual services with fines.

LUXEMBOURG (Tier 1)

Luxembourg is a destination country for men, women, and children from Nigeria and other African countries, as well as Estonia, Kazakhstan, Bulgaria, Russia, Ukraine, Brazil, France, and Belgium who are subjected to sex trafficking and forced labor, including forced criminal activities. According to local experts, unaccompanied and undocumented children who are asylum seekers or refugees are particularly vulnerable to commercial sexual exploitation. Adult victims of sex trafficking in Luxembourg can be recruited by agents in their home countries for work in Luxembourg's cabarets and subsequently forced into prostitution in cabarets, private apartments, and in street prostitution. Forced labor, sometimes involving Chinese men, women, and children, occurs in sectors including construction and restaurants. According to past media reports, women in prostitution in Luxembourg are often controlled by pimps and some of these women are likely trafficking victims; the majority of women in street prostitution are Nigerian. According to country experts, traffickers utilized non-physical coercion to control victims in prostitution and to operate within the country's legal prostitution regime and evade law enforcement. According to a report issued by ECPAT, the commercial sexual exploitation of children in Luxembourg primarily involves prostitution through illegal escort services, and in hotels, parked cars, private houses, and illegal private clubs in the country.

The Government of Luxembourg fully complies with the minimum standards for the elimination of trafficking. The government increased its detection of forced labor in 2011 and, for the first time, identified victims of this form of trafficking in the country. While the government prosecuted and convicted other trafficking offenders during the year, courts held only one trafficking offender accountable with actual jail time in 2011. The government sustained its efforts to protect trafficking victims, but it has yet to address a long-standing deficiency by formalizing and implementing comprehensive protections for trafficking victims, including proactive national-level identification procedures.



Recommendations for Luxembourg: Vigorously prosecute, convict, and punish trafficking offenders; establish formal procedures to proactively identify victims among vulnerable groups, such as women in the commercial sex trade and undocumented migrants; finalize implementation regulations for the March 2009 protection law – that would assist in implementing a more victim-centered approach – to codify and improve assistance to victims; formalize the role of NGOs and others in the identification process and fund them to provide comprehensive assistance to all trafficking victims, including victims of forced labor, child victims, and male victims; and implement an awareness campaign aimed at demand reduction to educate authorities and the general public about sex trafficking and its links with prostitution, as well as the existence of forced labor in Luxembourg.

Prosecution

The Luxembourg government continued to investigate and prosecute trafficking offenders in 2011. Luxembourg prohibits all forms of trafficking through Article 382 of the 2009 Law on Trafficking in Human Beings, which prescribes penalties for convicted offenders ranging from three to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Under this statute, courts can sentence offenders below the prescribed minimum sentence of three years' imprisonment. During the year, the government did not initiate any new prosecutions for trafficking and sentenced only one trafficking offender to jail time. It continued its prosecutions of six trafficking offenders initiated in the previous year, resulting in one acquittal and the conviction of four offenders, the same number convicted in 2010. Only one convicted offender received a sentence that was not suspended during the reporting period; a court sentenced a Brazilian offender to five years' imprisonment for coercing three Brazilian women into prostitution after promising them jobs as waitresses or nurses in Luxembourg. The remaining convicted offenders, sentenced to prison terms of nine months, 15 months, and two years, received suspended sentences and thus served no time in jail. In July 2011, the government enacted amendments to its Article 375 that increased penalties for the "pimping of children in prostitution" from two to five years' imprisonment if the victim is below the age of

16. However, the government has yet to identify a child victim of sex trafficking in Luxembourg or initiate a criminal prosecution for this offense. The government failed to initiate, conduct, or participate in any anti-trafficking law enforcement training in 2011. There were no reports of the government investigating, prosecuting, convicting, or sentencing public officials for trafficking complicity.

Protection

The Government of Luxembourg sustained its efforts to protect trafficking victims in 2011. The government has yet to implement a March 2009 law that codifies procedures for the identification, referral, and provision of comprehensive assistance to trafficking victims; nor has it adopted systematic procedures for the proactive identification of victims. The government's vice squad did not employ any guidelines or procedures to proactively identify victims among women in prostitution in Luxembourg's legalized or illegal sex trade. According to a 2010 NGO report, the police relied primarily on self-identification by the victims rather than their own proactive measures. Furthermore, police were the only authorities permitted to carry out formal victim identification. The government reported that all of the 25 trafficking victims it identified subsequently cooperated in the investigation of their traffickers; however, only three of these 25 victims officially received the government-offered recovery and reflection period of 90 days. The government did not confirm whether any victims received temporary residency permits in 2011, whereas it had reported that three victims were provided with these permits in 2010. Most victim cooperation occurred immediately after arrest or in a post-raided environment. The government identified two Chinese child victims subjected to forced labor in restaurants in 2011.

The government continued to fund two NGOs providing services for women in distress, including adult female trafficking victims. However, because parliament had not approved implementing regulations for the 2009 protection law, NGOs were unable to benefit from the assistance system that law established, which would provide specialized care to potential and confirmed trafficking victims. The government did not provide or fund specialized services or shelters for child victims of trafficking. The government retained a stated policy of ensuring that victims are not punished for unlawful acts committed as a direct result of their being trafficked; it was unclear whether the government attempted to identify trafficking victims among all women found in vulnerable groups, such as those in prostitution or those detained as undocumented migrants in the country.

Prevention

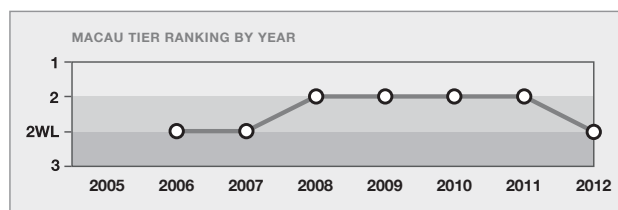
The government took few concrete steps to proactively address its trafficking problem through public awareness activities during the year. The government did not initiate or contribute to the development of any anti-trafficking prevention efforts in 2011. Local experts previously noted that authorities in Luxembourg have only recently begun acknowledging the problem of human trafficking within the country, and they noted that the general public is not aware of trafficking as an issue of importance. During the year, an NGO initiated a petition calling on the government to develop anti-trafficking campaigns in national high schools focused on the sex trafficking of children. The government has not adopted a national action plan specifically on trafficking, and while it

reported publicly on a range of issues that included trafficking, it did not report explicitly on its anti-trafficking efforts during the year. The government did not report any child sex tourism prosecutions or prevention efforts during the reporting period.

MACAU (Tier 2 Watch List)

The Macau Special Administrative Region (MSAR) of the People's Republic of China is primarily a destination and, to a much lesser extent, a source territory for women and children subjected to sex trafficking and possibly forced labor. Victims originate primarily from the Chinese mainland, with many from inland Chinese provinces who travel to the border province of Guangdong in search of better employment. Sex trafficking victims in Macau also include women from Mongolia, Vietnam, Thailand, and Russia. Many trafficking victims fall prey to false advertisements for jobs in casinos and other legitimate employment in Macau, but upon arrival, are forced into prostitution. Foreign and mainland Chinese women are sometimes passed to local organized crime groups upon arrival, held captive, and forced into sexual servitude. Victims are sometimes confined in massage parlors and illegal brothels, where they are closely monitored, forced to work long hours, have their identity documents confiscated, and are threatened with violence. Chinese, Russian, and Thai criminal syndicates are believed to be involved in recruiting women for Macau's commercial sex industry. Macau made no changes to the immigration regulation structure which renders foreign migrants vulnerable to forced labor; those foreign migrants who are fired for cause or quit must wait six months to obtain another work permit. In one documented case, Macau also has been a source territory for women who are subjected to sex trafficking elsewhere in Asia.

The MSAR does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the MSAR authorities did not demonstrate evidence of increasing efforts to address human trafficking; therefore, Macau is placed on Tier 2 Watch List. The government made no discernible progress in prosecuting sex trafficking or forced labor offenders, obtaining no human trafficking convictions during the reporting period. It identified and assisted 13 victims, a decline from 17 victims the previous year, and did not have a clear policy in place to protect trafficking victims from future hardship.



Recommendations for Macau: Expand capacity to prosecute trafficking cases by increasing the number of prosecutors responsible for criminal cases and devoting a prosecutor specifically to trafficking crimes; significantly increase efforts to investigate and prosecute trafficking offenders, including perpetrators of forced labor; make efforts to investigate and prosecute official complicity in trafficking; continue to conduct worksite inspections for evidence of forced labor and apply appropriate protective measures when victims are identified,

including offering them legal alternatives to their removal to countries where they may face hardship and retribution; implement proactive victim identification methods, particularly among vulnerable populations such as migrant workers; end the six-month waiting period for migrant workers to obtain new work; and continue to educate law enforcement, other government officials, and the public on forced labor as well as sex trafficking.

Prosecution

During the reporting period, Macau authorities decreased their trafficking investigations and did not report any prosecutions or convictions. Macau's anti-trafficking law, Law Number 6/2008, prohibits all forms of trafficking in persons and prescribes penalties of three to 15 years' imprisonment, which are sufficiently stringent punishments and commensurate with those prescribed for other serious crimes, such as rape. Macau authorities conducted 13 forced prostitution investigations and no forced labor investigations during the reporting period, a slight decrease in investigations from the previous period in which the government conducted 15 forced prostitution investigations. The government did not report any prosecutions or convictions of trafficking offenders during the reporting period, whereas in the previous year the government prosecuted two cases and secured one conviction. The government initiated no investigations or convictions of officials either complicit or responsible for human trafficking. The judiciary remained ill-equipped to address trafficking and had just 11 prosecutors to handle all criminal cases in Macau. Many cases investigated were closed due to lack of evidence or witnesses who were unwilling to cooperate with government authorities. In October 2011, the judicial police held a training seminar for 68 officers on Macau's anti-trafficking law and case studies. Additionally, in November 2011, the Human Trafficking Deterrent Measures Concern Committee (which serves as Macau's anti-trafficking committee) organized a seminar for participants from various law enforcement agencies in Macau on how to define, investigate, and prosecute trafficking cases. The government continued to provide trafficking awareness training to all new judicial and public security police officers.

Protection

Macau authorities made modest efforts to protect trafficking victims during the reporting period. The government identified 13 victims of forced prostitution in 2011 compared with 17 victims of forced prostitution in 2010. The government identified no victims of forced labor in 2011. Twelve of the victims identified in 2011 were from China and one of the victims was from Russia. The Social Welfare Bureau assisted and offered shelter to all of the identified victims. The government reported using a standardized screening questionnaire to guide law enforcement, immigration, and social services personnel in identifying trafficking victims. The government designated 21 beds for female trafficking victims of any nationality at a shelter managed by the Social Welfare Bureau. An NGO-operated shelter for children 16 years old and under continued to operate; it served three victims of trafficking during the reporting period. The government sustained an existing partnership with a local NGO in order to identify interpreters to assist in interviewing foreign trafficking victims. The government did not report providing any services to male or female forced labor victims, or male victims of forced prostitution. In March 2011, the government trained

30 officers from the Health Bureau on procedures for medical professionals caring for trafficking victims. During seminars in May, September, and November 2011, Health Bureau officers trained 212 fellow officers on behavioral and psychological indicators of trafficking. Immigration regulations continued to create vulnerabilities for foreign workers during the reporting period. The government encouraged victims to assist in the investigation and prosecution of trafficking crimes and nine of the 13 trafficking victims did so during the reporting period. Victims were not allowed to work during the reporting period. Although the government had a policy in place for general foreign crime victims, offering them legal alternatives to removal to countries in which they would face retribution or hardship, it was unclear whether this policy applied specifically to trafficking victims.

Prevention

The Government of Macau made efforts to prevent forced prostitution and some efforts to prevent forced labor during the reporting period. The Human Trafficking Deterrent Measures Concern Committee is the government's anti-trafficking committee. The committee is comprised of representatives from eight different government agencies and met monthly during the reporting period to coordinate the government's response to trafficking among the various agencies in the committee. The Legal Affairs Bureau, assisted by an NGO, produced and disseminated two new pamphlets on trafficking, with one pamphlet aimed at clients and the other at victims of the sex trade. The client-oriented pamphlet focused on legal ramifications of participating in the commercial sex trade, and offered mechanisms to report suspected trafficking, whereas the victim-oriented pamphlet discussed assistance and rights for victims. Both pamphlets were available in multiple languages. These did not, however, attempt to reduce the demand for commercial sex acts. An NGO was funded by the government to place 4,000 posters on the dangers of child trafficking in public buses, taxis, and public places. The Social Welfare Bureau partnered with the Women's Association of Macau to organize four community education events on human trafficking. Recommendations released in 2011 from a government-commissioned study conducted by the University of Macau led the government to increase efforts to raise public awareness of trafficking. The government reported no investigations or prosecutions of child sex tourism during the reporting period.

MACEDONIA (Tier 1)

Macedonia is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor. Macedonian women and children are trafficked within the country. Foreign victims subjected to forced prostitution or forced labor in Macedonia originate in Albania, Bulgaria, Serbia, Ukraine, and Kosovo; and Macedonians are subjected to forced labor and sex trafficking in Europe. Children, including ethnic Roma, are subjected to forced begging in streets and public markets. During the year, authorities reported an increase in undocumented foreign migrants in the country, a group vulnerable to trafficking. A 2011 labor sector assessment found the prevalence of labor exploitation to be greatest in Macedonia's textile sector, mostly in southeast Macedonia, and significantly prevalent in civil engineering, tourism, catering, and agriculture. Trafficking offenders increasingly used false

marriage, particularly among the ethnic Roma population, as a tactic to lure victims into forced prostitution.

The Government of Macedonia fully complies with the minimum standards for the elimination of trafficking. The government sustained its vigorous prosecution and conviction of trafficking offenders, and proactively investigated trafficking complicity. The government effectively partnered with NGOs providing victim assistance in its domestic shelter and demonstrated a sensitive approach to victim-witnesses. The government failed, however, to provide adequate financial resources for victim care in the shelter, and did not provide critically needed resources for reintegration. The government continued to identify only a small number of victims relative to the rest of the region. The lack of results in victim identification continued to suggest some front-line responders and other officials lack a full understanding of the complexities of trafficking and the required skills to identify potential victims, thus failing to ensure victims' full access to their rights and protection under Macedonian law.



Recommendations for Macedonia: Proactively improve victim identification efforts to locate potential domestic and foreign trafficking victims in Macedonia; ensure that victims are not deported and punished as a result of their trafficking; ensure that foreign women entering the country on entertainment visas receive information on trafficking and their rights in Macedonia; pursue potential cases of trafficking that involve non-physical forms of coercion; institutionalize and increase funding to ensure comprehensive care, sustainability of the shelter, and reintegration services for victims; continue to build the anti-trafficking expertise of social workers to ensure their engagement in reintegration; follow through on plans to establish local commissions to decentralize and improve victim identification throughout the country; provide more incentives, including not detaining potential victims in the transit shelter, for foreign trafficked children and adults to stay in Macedonia long enough to assist in bringing their traffickers to justice; streamline interagency reporting and advance the use of an automated case management system in courts to produce final trafficking case statistics, including data of jailed convicted offenders; and continue to use the national rapporteur report as a tool for centralized reporting, including more self-critical analysis and making clear distinctions between trafficking and migrant smuggling.

Prosecution

The Government of Macedonia sustained its efforts to prosecute and punish trafficking offenders during the reporting period. The government prohibits sex and labor trafficking through articles 418(a) and (d) of its 2004 criminal code. The minimum penalty prescribed for sex trafficking is four years' imprisonment, which is sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In 2011, the government completed four

trafficking investigations involving 29 suspects, including two public officials. During the year, Macedonian courts also convicted nine trafficking offenders, compared with 21 convicted offenders in 2010. Sentences for the nine convicted offenders ranged from two to nine years in prison. The government convicted all but one of these offenders under its anti-trafficking law. Courts convicted two offenders for sex trafficking, two offenders for labor trafficking, and five offenders on charges of both. Macedonian law prevents the imposition of jail sentences until the appeal process is complete; authorities confirmed that of the nine convicted, six are currently in jail. In April 2011, a court of appeals upheld the convictions of six trafficking offenders, including a complicit government official noted in the previous TIP Report. According to the government, trafficking offenders, complicit local police officers, and nightclub owners are familiar with the standard questions used by officials to identify trafficking victims and have thus modified their *modus operandi* to keep victims in a state of servitude and evade law enforcement. Observers reported concerns of complicity among local officials and police, specifically involving bars and nightclubs in western Macedonia. In April 2011, the Skopje Court of Appeals upheld a conviction and sentence of a police officer to 8.5 years in prison for facilitating the sex trafficking of children. It also investigated two other local police officers for trafficking-related complicity during the year.

Protection

The Government of Macedonia maintained protections for identified domestic trafficking victims during the reporting period, specifically by including NGOs as primary care providers in its domestic trafficking shelter and funding the shelter's basic operating costs. The government, however, did not make critically needed improvements in victim identification nor did it ensure adequate funding for comprehensive victim care and reintegration. It reported identifying 12 trafficking victims in 2011, the same number it identified in 2010. Country experts raised concerns during the year about local police conducting raids in bars without coordinating with the anti-trafficking unit. Police reportedly transferred foreign national women working illegally in these establishments to immigration police for immediate deportation without a proper assessment of trafficking indicators. In 2011, authorities in Ukraine and Bulgaria identified victims subjected to forced prostitution in Macedonia. According to local experts, the government's focus on victims' initial consent to be smuggled into Macedonia as well as on the lack of limitations on foreign victims' freedom of movement suggests serious misunderstandings about the definition of trafficking, risking victims' punishment for crimes committed as a direct result of being trafficked. According to an anti-trafficking report issued by the Belgian government in 2011, a Macedonian sex trafficking victim was granted refugee status in Belgium in October 2010. The Belgian court based its determination on the trafficking offender's alleged collusion with Macedonian authorities, the victim's well-founded fear of reprisal, and the Macedonian government's inability to protect her.

The government sustained partnerships with two NGOs that provided victims with social assistance, legal aid, vocational training, and psychosocial support in the domestic trafficking shelter in 2011. The government provided a total funding the equivalent of \$14,000 to two NGOs providing victim services in this shelter. Other than the annual grant, however, NGOs must secure outside funding for all other assistance for victims,

including food and medical services. Although the government appointed four social workers to assist with critical victim reintegration in 2011, NGOs report little concrete engagement from this sector. According to one NGO, authorities referred domestic victims directly to the shelter post-raid, and police demonstrated a victim-sensitive approach in victims' cases. Twelve trafficking victims testified before an investigative judge in 2011, five of whom testified in a trial. The government continued its good practice of assigning a guardian to each identified child trafficking victim to help ensure a continuum of care and trust.

The government continued to operate a reception center for foreign migrants and trafficking victims, in which trafficking victims were detained during the recovery and reflection period. The government did not ensure an NGO presence in the transit shelter to assist with the identification process nor ensure potential trafficking victims awaiting deportation procedures received specialized care and assistance. The government offers temporary residency permits to foreign trafficking victims only if they cooperate in the investigation and prosecution of their traffickers, though no such residency permits were granted to trafficking victims during the reporting period. Authorities referred four suspected foreign victims from Albania, Bulgaria, and Kosovo to the government's reception center in 2011; however, it determined that two potential victims from Kosovo, including a child, were not trafficking victims. The Bulgarian victim testified in front of an investigative judge within days of her identification and only stayed at the reception center for seven days.

Prevention

The Government of Macedonia sustained its anti-trafficking prevention efforts during the reporting period. It provided the equivalent of \$14,000 to two anti-trafficking NGOs to implement anti-trafficking prevention campaigns primarily aimed at school children and college students. The government, through the national commission and in partnership with NGOs, organized anti-trafficking workshops and presentations, including some implemented through local trafficking prevention councils in some cities in 2011. The government undertook some measures to prevent child begging in 2011, including removing children from the streets and placing some in orphanages; it reportedly prosecuted and sentenced some parents to jail time for forcing their children to beg. According to one NGO, however, the heavy media attention surrounding these operations resulted in sensationalizing the issue of child begging, with little positive impact on the children. In January 2012, the government's national rapporteur published Macedonia's third annual report on trafficking; the report contained useful case-based analyses and some pragmatic, self-critical recommendations for future progress.

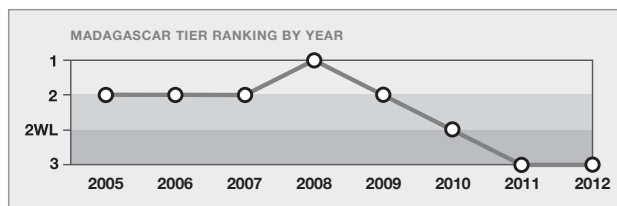
MADAGASCAR (Tier 3)

Madagascar is a source country for women and children subjected to forced labor and sex trafficking. Reports indicate that sex and labor trafficking of Madagascar's citizens has increased, particularly due to a lack of economic development and a decline in the rule of law since the current political crisis began in March 2009. An estimated 4,000 Malagasy women are employed as domestic workers in Lebanon. Many are single mothers that come from rural areas and are illiterate or poorly

educated, making them vulnerable to deception and abuse at the hands of recruitment agencies and employers. At least five deaths were reported in this population during the year. Trafficking victims returning from Lebanon also reported rape, psychological abuse, physical torture and violence, sexual harassment and assault, harsh working conditions, confinement to the home, confiscation of travel documents, and withholding of salaries. Recent reports indicate that Malagasy citizens are fraudulently recruited for jobs in China, only to be forced into marriage or debt bondage upon their refusal to marry.

Malagasy children, mostly from rural areas, are subjected to domestic servitude, prostitution, forced begging, and forced labor in mining, fishing, and agriculture within the country. In addition, children are used in the commission of crimes, such as drug trafficking. Most child trafficking occurs with the involvement of family members, but friends, transport operators, tour guides, and hotel workers also facilitate the exploitation of children. Parents in the southern regions send girls to local markets without money for groceries, forcing them to prostitute themselves in what is known as *Tsenan'Ampela* or "girls market" to earn enough to buy food for the family. In a practice known as *Miletra*, parents in the northeastern regions force their daughters into prostitution, directly negotiating the price and duration in advance. A child sex tourism problem exists in coastal cities, including Tamatave, Nosy Be, Diego Suarez, and Majunga, as well as the capital, Antananarivo. Some children are fraudulently recruited for work in the capital as waitresses, maids, and masseuses before being coerced into prostitution on the coast. Most child sex tourists are French nationals with some reports of German and Italian nationals. The main clients of prostituted boys and girls, however, are Malagasy men.

The *de facto* Government of Madagascar does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Since the March 2009 coup, combating human trafficking has not been a priority, despite the growing size of the problem both internally and transnationally. Anti-trafficking efforts remained negligible during the year. Despite widespread allegations of child sex tourism and sex trafficking, the government failed to prosecute or convict trafficking offenders and did not identify or refer victims to necessary services. Pervasive corruption and minimal capacity throughout the entire justice system, lack of awareness of the anti-trafficking law, and official complicity in trafficking crimes, including allegations of police protection of clients of children in prostitution, contributed to the dismal state of anti-trafficking law enforcement efforts in Madagascar. The *de facto* government for a third year did not engage the Government of Lebanon regarding protection of and legal remedies for exploited Malagasy workers and failed to coordinate the repatriation of Malagasy citizens from Lebanon during the reporting period.



Recommendations for Madagascar: Utilize the anti-trafficking law, including at the provincial level, to investigate and prosecute trafficking offenses, including those involving forced labor and public officials suspected of trafficking-related complicity; amend the anti-trafficking law to provide sufficiently stringent penalties for labor trafficking; open a dialogue with the Government of Lebanon on improving protections for Malagasy workers and jointly addressing cases of abuse; consider establishing a consulate in Lebanon to provide consular and, when needed, protective services to Malagasy workers; institute a process for law enforcement officials to document trafficking cases, interview potential victims, and refer trafficking victims for assistance; increase efforts to raise public awareness of labor trafficking; and provide anti-trafficking training to law enforcement, labor, and social welfare officials.

Prosecution

The Malagasy *de facto* government's anti-trafficking law enforcement efforts diminished over the year, as it completed no investigations or prosecutions of trafficking offenders. Anti-Trafficking Law No. 2007-038 prohibits all forms of human trafficking but prescribes punishments only for sex trafficking. Penalties for violation of the law range from two years' to life imprisonment and are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 262 of the labor code criminalizes labor trafficking, for which it prescribes insufficiently stringent penalties of one to three years' imprisonment. Decree 2007-563 prohibits and prescribes insufficiently stringent punishments of up to two years' imprisonment for various forms of child trafficking, including prostitution, domestic servitude, and forced labor.

The *de facto* government has never used its anti-trafficking law to punish traffickers. Authorities neither investigated nor prosecuted cases of forced labor during the reporting period and, despite widely publicized allegations against two French child sex tourists during the year, made minimal efforts to investigate allegations of sex trafficking. Public officials' complicity in human trafficking remained a significant problem. In May 2011, one French national resident paid and procured two girls for another French national resident of Madagascar and later sold film footage of the girls engaged in sex acts. Despite public calls for the investigation of the case, authorities apprehended only one suspect whose current location cannot be confirmed. Credible reports indicate that the other suspect met with the *de facto* Minister of Justice, who assigned police officers to guard his residence to prevent his arrest. In remote parts of Madagascar, local authorities reportedly procured underage girls for sexual exploitation by visiting Malagasy dignitaries. Corrupt police permitted organized child prostitution rings to operate, particularly in Nosy Be. Local police generally remained hesitant to pursue child sex trafficking and child sex tourism offenses because of deep-rooted corruption, pressures from the local community, or lack of knowledge of the anti-trafficking law. The regime reported no efforts to investigate, prosecute, convict, or sentence public officials complicit in human trafficking.

Protection

The *de facto* Malagasy government made negligible efforts to protect victims. One of the few *de facto* government officials to demonstrate commitment to working on trafficking, the *de facto* Minister of Population and Social Affairs who formerly coordinated the repatriation of victims from Lebanon, died

in an accident in August 2011. Following the March 2011 repatriation of 85 women, government officials – including the honorary Malagasy consul in Lebanon – failed to organize any additional repatriations or support repatriations organized by NGOs during the year. In March 2011, over 600 Malagasy awaited repatriation from Lebanon, 140 of which were classified as victims in need of emergency repatriation. In 2011, an NGO organized the repatriation of 427 Malagasy citizens, 153 of whom reported physical, psychological, or sexual abuse. For a third year, the *de facto* government did not engage the Government of Lebanon regarding the protection of and legal remedies for exploited workers. Madagascar's honorary consul in Beirut was ineffective in addressing the needs of Malagasy trafficking victims, often encouraging victims to return to their employment agencies and not advocating for victim protection or investigations into allegations of abuse.

The *de facto* government lacked procedures to proactively identify trafficking victims among vulnerable populations and did not provide services or refer victims for care in a systematic way. NGOs provided counseling, legal services, and medical care to victims, and referred them to government hospitals. The *de facto* government provided medical and psychiatric care on a case-by-case basis at one public hospital in Befelatanana. No other hospitals provide such services free of charge. Services and facilities are insufficient and often nonexistent in areas beyond Antananarivo. The *de facto* government may arrest and punish internal trafficking victims for unlawful acts committed as a direct result of being trafficked. It did not encourage victims to assist in the investigation and prosecution of their exploiters.

Prevention

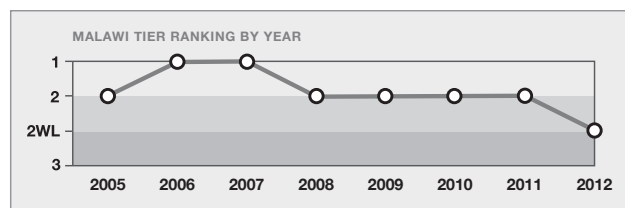
The *de facto* government made negligible efforts to prevent trafficking during the reporting period. It maintained the suspension of several employment agencies implicated in human trafficking and continued the November 2009 ban on sending domestic workers to Lebanon. However, many agencies reportedly continued to send workers directly to Lebanon, and unofficial networks now reportedly send Malagasy migrant workers through Mauritius, South Africa, Kuwait, Egypt, France, or the Seychelles to circumvent the ban. The *de facto* government officially began a labor recruitment program to send Malagasy garment sector workers to Jordan and Kuwait. Although conditions were reported to be acceptable, the *de facto* government did not make an effort to improve its oversight of recruitment agencies before beginning the new program.

MALAWI (Tier 2 Watch List)

Malawi is a source country for men, women, and children subjected to forced labor and sex trafficking. To a lesser extent, Malawi is also a destination country for men, women, and children from Zambia, Mozambique, Tanzania, and Zimbabwe and a transit point for people from these same countries who are subjected to sex and labor trafficking in South Africa. Most Malawian trafficking victims are exploited within the country, though Malawian victims of sex and labor trafficking have also been identified in South Africa, Zambia, Mozambique, Tanzania, and Europe. Within the country, children are subjected to forced labor in domestic service, cattle herding, agriculture (tobacco, tea, coffee, and sugar plantations), begging, small businesses, and coerced into the commission of crimes, including home robberies.

One-third of Malawian children are involved in labor activities, with sources reporting that the majority of cases of child labor outside of the family involve fraudulent recruitment and physical or sexual abuse, conditions indicative of forced labor. Adult tenant farmers are vulnerable to exploitation as they incur debts to landowners and may not receive payment in times of poor harvest. Brothel owners or other facilitators lure girls – including primary school children – from rural areas with promises of clothing and lodging, for which they are later charged high fees, resulting in debt-bonded prostitution. Girls are recruited for domestic service, but instead are forced to marry and later forced into prostitution by their husbands. In lakeshore districts, tourists – including Europeans – purchase commercial sex from women, girls, and boys in forced prostitution. Nigerian and Tanzanian women force Malawian women and girls into prostitution in Malawi, and Nigerian syndicates are also involved in the sex trafficking of Malawians to South Africa, Germany, the Netherlands, the United Kingdom, Thailand, and Brazil. Italian and Mexican organized crime entities reportedly also are involved in sex trafficking between Malawi and South Africa. Traffickers target Malawian girls in secondary school for recruitment for work in neighboring countries, offering to pay their rent, but subjecting them to forced prostitution upon arrival. South African and Tanzanian long-distance truck drivers and mini-bus operators, transport these victims across porous borders by avoiding immigration checkpoints. Malawians are taken to Mozambique and Zambia for forced labor on tobacco and tea farms, to Zambia for brick-making, and to Tanzania for forced labor in the fishing industry. Anecdotal reports indicate South Asian adults and children are forced to work in hotels, shops, bakeries, and in the construction sector in Malawi.

The Government of Malawi does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these modest efforts, the government failed to demonstrate overall increasing efforts to combat trafficking during the reporting period; therefore, Malawi is placed on Tier 2 Watch List. Malawi's anti-trafficking law enforcement performance declined over the last year, with fewer trafficking offenders prosecuted than in 2010, and fewer convicted trafficking offenders punished with time in prison. Furthermore, the government did not finalize and pass anti-trafficking legislation drafted in 2009. The government continued to rely on international organizations and NGOs to fund most anti-trafficking programs, and district-level staff active on trafficking received little supervision or guidance from national coordinating bodies.



Recommendations for Malawi: Prosecute both sex and labor trafficking offenses vigorously; ensure the adequate sentencing of convicted trafficking offenders, including the increased imposition of prison sentences rather than fines; investigate and prosecute complicit officials; expand training programs for judges, prosecutors, labor inspectors, and police on identification, investigation, and prosecution of trafficking offenses under existing laws; begin the collection of national

prosecution and protection data; develop a formal system to identify trafficking victims and to refer them to available services; increase the availability of accommodations and protection services for victims through financial or material support to NGOs or expansion of direct service provision; improve national-level coordination of anti-trafficking efforts across all districts; and launch anti-trafficking public awareness campaigns.

Prosecution

The Government of Malawi decreased its anti-trafficking law enforcement efforts during the year, convicting fewer offenders than in 2010 and failing to enact anti-trafficking legislation drafted in 2009. Malawi prohibits all forms of trafficking through various laws, including the Employment Act and articles 135 through 147 and 257 through 269 of the penal code. The penalties prescribed under these various statutes range from small fines to 14 years' imprisonment; these penalties are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. Despite the existence of these laws, their enforcement is weak. The Child Care, Protection and Justice Act of 2010 prohibits child trafficking, prescribing penalties of life imprisonment for convicted traffickers. In January 2012, the act was published in the government's gazette and printed; however, some courts have rejected cases charged under the act since they are still without a copy of the act. Reports indicated that labor trafficking offenders were not prosecuted for a first offense; only repeat offenders were prosecuted.

Although governments in 12 of 28 districts reported investigating a total of 241 trafficking cases in 2011, specifics regarding these cases or their status were not provided. Local sources reported the convictions of one labor trafficker and three sex traffickers in 2011. Only one offender, however, received a prison sentence, while the remainder paid minimal fines. In Machinga District, the Liwonde magistrate court sentenced a convicted offender to five years' imprisonment with hard labor in 2011 for the sex trafficking of two girls from Mangochi. In October 2011 in Blantyre, authorities used the Employment Act to convict a man for the forced labor of 11 children; he received a fine equivalent to \$17 and was required to pay return transport costs for the victims. The government's continued failure to seek criminal prosecution and sentencing of forced labor offenses meant there was no effective deterrent to the commission of trafficking crimes.

The government continued to train police recruits in identifying and combating human trafficking as part of its standard training curriculum at three police training schools, reaching 600 recruits during the year. In 2011, the Ministry of Gender, Child and Community Development (MGCCD) and the Ministry of Justice (MOJ) trained law enforcement and social welfare officials on the child protection law. Nonetheless, police and immigration officials were complicit in trafficking crimes, with reports of court cases diverted and offenders released; however, the government did not investigate or prosecute such officials.

Protection

The Government of Malawi sustained minimal efforts to provide protection to trafficking victims during the year. The government relied largely on NGOs to identify victims and provide long-term care. In addition, the government

failed to establish or employ systematic procedures for the proactive identification of victims and their referral to care. The government funded one drop-in center that provided counseling and services for victims of trafficking and gender-based violence; it is unknown whether the center assisted trafficking victims during the year. Over 100 police stations across the country housed victim support units (VSUs) to respond to gender-based violence and trafficking crimes; however, the VSUs lacked capacity to respond adequately, providing only limited counseling and, in some districts, temporary shelter to victims. Government-run hospitals provided trafficking victims with limited access to medical and psychological services; for shelter, district social welfare and child protection officers referred victims to NGO-run facilities that catered to vulnerable children and youth. The government did not provide material or financial support for these NGO services.

The national government did not provide data on the number of victims it identified, referred, or assisted during the reporting period; detailed case information provided by two districts indicates that officials, often in partnership with NGOs, identified at least 114 trafficking victims. Police, district-level social welfare officers, and child protection officers cooperated with local NGOs that coordinated and funded the rescue of trafficking victims; during the year, these partnerships resulted in the rescue of 83 children in prostitution from a brothel in Blantyre. The district social welfare office in Lilongwe – through the aforementioned social rehabilitation center – provided office space to an NGO that identified 86 child sex trafficking victims in four districts of Lilongwe in 2011. A 2011 NGO baseline survey of six districts reported that over 70 percent of victims did not receive any services after their rescue. The government did not provide foreign victims with temporary residency or other legal alternatives to their removal to countries where they would face hardship or retribution. The district social welfare office in Mangochi assisted in the repatriation of one victim. The government encouraged victims' participation in the investigation and prosecution of trafficking crimes. Law enforcement, however, generally treated persons in prostitution – including children – as criminals rather than their pimps or clients, making sex trafficking victims vulnerable to arrest; subsequent to their arrest, some police coerced them into sex acts by threatening them with charges.

Prevention

The government made minimal efforts to prevent human trafficking during the year. The majority of public awareness campaigns were coordinated at the district level with NGOs partners; national level coordinating bodies played a negligible role, failing to organize awareness activities or finalize the national plan of action drafted in the previous year. The newly reorganized Child Protection Technical Working Group included trafficking within its broad work to coordinate efforts on child protection. The Malawi Network Against Child Trafficking, which is comprised of government representatives, NGOs, and religious leaders, met quarterly and, with funding from a foreign government, organized an October 2011 workshop on best practices to combat human trafficking. In 2011 in Mangochi District, social welfare and labor officers forged partnerships with police and NGOs to train 25 peer educators in Traditional Area Chowe; this event publicized the IOM trafficking hotline in South Africa and resulted in the repatriation of one victim. State-owned radio also

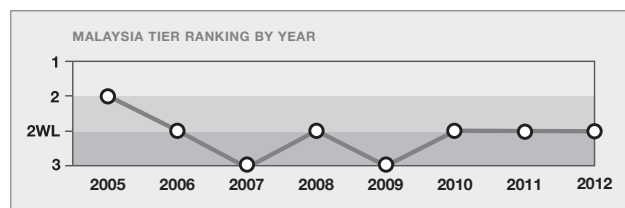
broadcast weekly radio programs on child labor and human trafficking led by an NGO. The government did not make efforts to reduce the demand for commercial sex acts during the year, and made no efforts to address child sex tourism. The government did not provide its military personnel with anti-trafficking training prior to their deployment abroad on international peacekeeping missions.

MALAYSIA (Tier 2 Watch List)

Malaysia is a destination and, to a lesser extent, a source and transit country for men, women, and children subjected to conditions of forced labor and women and children subjected to sex trafficking. The overwhelming majority of trafficking victims are among the estimated two million documented and two million or more undocumented foreign workers in Malaysia. They migrate willingly to Malaysia from countries including Indonesia, Nepal, India, Thailand, China, the Philippines, Burma, Cambodia, Bangladesh, Pakistan, and Vietnam in search of greater economic opportunities. Some of them subsequently encounter forced labor or debt bondage at the hands of their employers, employment agents, or informal labor recruiters. While many of Malaysia's trafficking offenders are individual businesspeople, large organized crime syndicates are also behind trafficking. A significant number of young foreign women are recruited ostensibly for legal work in Malaysian restaurants and hotels, some of whom are legally admitted to the country for this purpose but are coerced into the commercial sex trade. During the year, reports indicated an increasing number of Ugandan women were fraudulently recruited to Malaysia for ostensibly legitimate work but were forced into prostitution upon arrival. Ugandan and Nigerian syndicates transport victims between China and Malaysia, and use threats of physical harm, including through voodoo, to victims and their families to coerce them into prostitution. Many Malaysian labor outsourcing companies recruit workers from India, Vietnam, and other countries, who are often subjected to conditions of forced labor by unscrupulous employers. In some cases, foreign workers' vulnerability to exploitation was heightened when employers neglected to obtain proper documentation for workers or employed workers in sectors other than that for which they were granted an employment visa. Many migrant workers on agricultural plantations, at construction sites, in textile factories, and in homes as domestic workers throughout Malaysia are subject to practices indicative of forced labor such as restrictions on movement, deceit and fraud in wages, passport confiscation, and imposition of significant debts at the hands of agents or employers. Passport confiscation remains widespread, particularly among domestic workers. Some employees reported that their employers exercised control over them by threatening to take a worker's passport to immigration authorities where the employer would allege that the workers had breached the terms of their labor contracts, which could result in the revocation of the workers' visas and their subsequent deportation. Some Malaysian employers reportedly did not pay foreign domestic workers three to six months' wages in order to recoup recruitment agency fees and other debt-bonds. In some cases, employers illegally withheld employee wages in escrow until completion of the contract, resulting in workers continuing to work for fear of not receiving financial compensation if they ceased to do so.

Forced labor, including debt bondage, occurred among domestic workers. It was also reported to occur on plantations in the east Malaysian states of Sabah and Sarawak and in plywood and pulp factories. There are an estimated 250,000 foreign domestic workers in Malaysia with legal authorization for employment in that sector. NGOs estimate that an additional 100,000 migrant domestic workers are not formally registered; many domestic workers, both documented and undocumented, may be trafficking victims. An estimated 90 percent of all domestic workers are from Indonesia. The Indonesian government had previously banned the arrival of additional Indonesian domestic workers to Malaysia; although this prohibition expired during the reporting period, unresolved negotiations over a revised memorandum of understanding (MOU) between the two governments delayed the arrival of additional Indonesian domestic workers. A small number of Malaysian citizens reportedly were trafficked internally and abroad to Singapore, China, and Japan for commercial sexual exploitation.

The Government of Malaysia does not fully comply with the minimum standards for the elimination of trafficking. The government has not shown evidence of overall increasing efforts to address human trafficking compared to the previous year; therefore, Malaysia is placed on Tier 2 Watch List for a third consecutive year. Malaysia was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. During the year, the government continued to confine foreign victims to substandard facilities and failed to provide them with sufficient legal, translation, or psychological resources; government-certified victims cannot opt to reside outside these facilities. Malaysia's anti-trafficking law does not include adequate provisions for the protection of victims, and the government did not take steps to amend its laws to allow certified victims to reside outside government facilities. The government took steps to ameliorate the poor conditions faced by officially certified trafficking victims – such as granting three-year work permits to one group of 32 male victims of forced labor – but it did not take the more meaningful steps of structurally reforming the unnecessarily complex victim identification and protection regime that likely causes further harm to victims. Front-line officials continued to lack the ability to recognize indicators of human trafficking, limiting their efforts to assist victims and to investigate, prosecute, and convict trafficking offenders.



Recommendations for Malaysia: Increase law enforcement actions under the anti-trafficking law, particularly labor trafficking cases; apply stringent criminal penalties to those involved in fraudulent labor recruitment or forced labor; increase efforts to investigate – and prosecute and punish, as appropriate – reports of public officials who may profit from trafficking or who may exploit victims; develop and implement procedures to identify labor trafficking victims, using

internationally recognized indicators of forced labor among vulnerable groups such as migrant workers and refer them to available protection services; increase training for officials on the effective handling of sex and labor trafficking cases, with a particular emphasis on victim protection and the identification of labor trafficking victims; improve victim identification efforts to ensure that victims of trafficking are not threatened or punished for crimes committed as a result of being trafficked; with the assistance of NGOs, improve victim protection in government facilities by providing victims regular access to legal services and effective counseling in their native languages; in collaboration with NGOs, develop and implement mechanisms to allow adult foreign trafficking victims to travel, work, and reside outside government facilities, including while under protection order; provide all victims legal alternatives to removal to countries in which they would face retribution or hardship; make greater efforts to educate migrant workers of their rights, legal recourses available, and remedies against traffickers or employers who fail to meet their legal obligations; negotiate MOUs with source countries to incorporate victim protection and prohibit employers from confiscating passports and travel documents and ensure that such MOUs are enforced; make efforts to reduce the demand for both sex and labor trafficking; and increase efforts to raise awareness about the dangers of both labor and sex trafficking.

Prosecution

The Government of Malaysia made insufficient overall progress in addressing human trafficking through law enforcement means during the reporting period. While it continued to prosecute and convict sex trafficking offenders, it did not demonstrate progress in its efforts to punish those who exploit others for forced labor. Malaysian law prohibits all forms of human trafficking through its 2010 Anti-Trafficking in Persons Act (amended), which prescribes penalties that are commensurate with those prescribed for other serious offenses, such as rape. In November 2010, the government enacted amendments to the law that broadened the definition of trafficking to include all actions involved in acquiring or maintaining the labor or services of a person through coercion.

During 2011, the government convicted 17 sex trafficking offenders but did not convict any perpetrators of forced labor; this compares with 14 convictions for both sex and labor trafficking offenders obtained in 2010. Sentences for convicted offenders ranged from two to 30 years' imprisonment. Police and immigration officials investigated 97 suspected trafficking cases during the year, 45 of which were labor trafficking cases; they initiated 16 prosecutions, 13 of which involved sex trafficking and three of which involved forced labor. A total of 231 prosecutions, initiated in previous years, remained ongoing at the close of the reporting period. The share of initiated prosecutions that resulted in acquittals continued to remain high, in part the result of a lack of incentives for victims to participate in investigations and prosecutions.

In November 2011, the Labor Department filed charges in a suspected labor trafficking case, the first such action it has taken since being granted authority to file charges in trafficking cases in 2010. Three suspected trafficking offenders, proprietors of a media company, were accused of subjecting five Indian nationals to forced labor distributing and selling newspapers. Initially, the victims – whose documents had been confiscated by their employer – were arrested on immigration violations and the employers were not charged. Following pressure from

civil society, the Labor Department subsequently made the decision to investigate the case; the prosecution of the three traffickers remained ongoing at the close of the reporting period.

Poor government treatment of identified trafficking victims and the lack of victim protection or incentives for victim assistance in investigations and prosecutions remained a significant impediment to successful prosecutions. As in previous years, NGOs reported referring cases of alleged labor and sex trafficking to the government but believed that in many instances authorities did not investigate these allegations. NGOs reported that the police and Labor Department officials often failed to investigate complaints of confiscation of passports and travel documents or withholding of wages – especially involving domestic workers – as possible trafficking offenses, and that front-line officers' failure to recognize indicators of trafficking regularly led them to treat these cases as immigration violations. Labor Department officials often classified trafficking cases as routine labor disputes; labor inspectors were not experienced in anti-trafficking procedures. The government did not report any criminal prosecutions of labor recruiters who used deceptive practices and debt bondage to compel migrant workers into involuntary servitude.

The previously reported prosecution of one immigration official, who was arrested in July 2009 for alleged involvement in trafficking Burmese citizens to Thailand, ended in an acquittal during the reporting period; the government filed an appeal, but no additional developments have been reported. Reports also indicated that collusion between individual police officers and trafficking offenders sometimes led to offenders escaping arrest and punishment. The Malaysian government took no discernible steps to investigate such reports or to prosecute or punish direct involvement in or facilitation of trafficking crimes by Malaysian officials.

Protection

The government made modest but insufficient progress in protecting victims of trafficking during the reporting period, and overall victim protection efforts remained inadequate and negatively affected victims. Victims identified by Malaysian authorities are adjudicated under an official protection order that triggers their forcible detention in government facilities, where they must remain for the period stipulated by the court. Most victims reportedly stay in these facilities for three to six months, and some are detained for more than a year. The government reports that victims are no longer locked in their rooms, yet they continue to be locked inside facilities, and are only permitted to leave for hospital visits or court appearances under the custody of the police; male victims are largely confined to their rooms and have limited freedom of movement inside facilities. Victims were provided limited, if any, access to legal or psychological assistance by the government or NGOs. The majority of funding for government shelter facilities supports arming the facilities with high levels of security, which may serve to prevent victims from escaping rather than to protect them from harm; in fact, shelters that prohibit victims from leaving are regarded by experts as posing a serious risk for re-traumatizing victims. The government provided limited counseling to victims; it reported beginning to grant some victims individual counseling sessions during the year, and enlisting the assistance of five university students to support the work of the two counselors it employed, although it did not always have adequate facilities to offer victims

privacy during these sessions. During the reporting period, the government began working with non-governmental entities to increase the availability of counseling and discuss guidelines for improved shelter management. The facilities did not employ medical officers or trained psychologists, and employees, assigned on a temporary basis, did not receive adequate, if any, training for working with trafficking victims or managing the facilities; a lack of translation services meant that some victims were unable to communicate with staff.

During the reporting period, the government discontinued its policy of treating certified victims as illegal aliens and transferring them to detention facilities for deportation after they provided evidence to prosecutors. Victims typically were uninformed about the legal processes to which they were subjected, and the government did not make adequate efforts to inform the victims of why or for how long they were being detained. This situation increased hardship for victims, who often exhibited severe anxiety at not knowing when they would be allowed to leave. As noted during previous reporting periods, the government's policy of detaining trafficking victims against their will continued to provide a disincentive for victims and their advocates to bring cases to the government's attention or to cooperate with authorities.

The Ministry of Women, Family, and Community Development continued to operate three facilities for women and child victims of trafficking. These facilities detained suspected and confirmed foreign trafficking victims for an average of three to six months (but in some cases much longer) until they were deported to their home countries, per Malaysian law. The women's facility in Kuala Lumpur moved to a larger location during the reporting period, although there were reports that it occasionally housed numbers of victims beyond its capacity. The Ministry of Home Affairs ran a similar facility for male victims of trafficking, which also detained suspected and confirmed trafficking victims. The government reported plans for the Women's Ministry to assume responsibility for this shelter, but this did not occur during the year. Despite the availability of specialized NGO resources to serve trafficking victims, including through providing shelters that may provide a more comfortable environment to victims, the government confines victims in its own facilities where it lacks the physical and human resource capacity to accommodate them. The basis for the government's expressed security concerns with NGO shelters was unclear, as no known security incidents have been reported at NGO shelters and their locations were kept confidential.

During the reporting year, 125 foreign women, 75 foreign men, and 22 foreign children were certified as trafficking victims and detained in government facilities. The total number of victims certified, 222, is a significant decrease from the 383 victims identified during the previous year. The government identified an unknown number of Malaysian victims who were exploited within the country during the year. Some foreign embassies sheltered victims directly, rather than transferring them to Malaysian facilities, to expedite their repatriation and protect them from detention during lengthy criminal proceedings. In a positive step, the home minister announced in January 2012 that the government would grant some victims the right to temporarily work in Malaysia following the expiration of their protection order. In March 2012, the government granted three-year work and residency permits to 32 labor trafficking victims deemed to be in danger if returned to their home country. These victims had already endured a

stay of more than one and a half years in a government facility. The Home Ministry reported plans to extend the provision of work permits to other victims – meeting certain criteria – following the expiration of their protection order, but it did not provide further details about how this program would be implemented or how many victims would be eligible. It reported that only victims who had entered Malaysia legally, and whose safety was not guaranteed if they returned to their country of origin, would be eligible. NGOs expressed concerns that challenges in interagency coordination may make it difficult to extend temporary work permits to all eligible victims. While the government reports it encouraged victims to assist in the prosecution of their traffickers, some victims sought immediate repatriation by their countries' embassies in Malaysia or by NGOs, rather than staying in Malaysia to testify, due to systemic disincentives such as long detentions in facilities during lengthy court proceedings. Certified victims were not permitted to leave the country while they waited for trials to commence. The government did not provide any incentives such as work permits to victims during the duration of their traffickers' trials. Victims could theoretically file civil suits against traffickers, but as foreign victims were provided neither any form of legal assistance nor basic translation services, none accessed this option during the year. Law enforcement officers did not receive sufficient training to work with victims, and poor investigation procedures did not take into account the best interests of victims. Victims were asked to recount their trafficking experience on numerous occasions to different officials, and during trial proceedings authorities did not make adequate efforts to separate victims from their traffickers or recruitment agents, a practice that may have resulted in threats or pressure exerted on victims and their families if they cooperated with police and prosecutors. Several NGOs reported that they generally no longer referred victims to the police, as they believed that doing so was detrimental to the welfare of the victims. Some NGOs not affiliated with the government's anti-trafficking council were barred from further assisting victims after they were placed into a government facility. The government did not provide financial assistance to NGOs providing services to victims. The anti-trafficking law provided immunity to trafficking victims for immigration offenses such as illegal entry, unlawful presence, and possession of false travel documents, but some unidentified victims continued to be detained, deported, or charged with immigration offenses.

The government reported that individual law enforcement agencies followed standardized procedures for identifying, interviewing, and referring trafficking victims, but there was no evidence of the existence of formal procedures for the proactive identification of victims among vulnerable groups with whom authorities came in contact. The Labor Department, which recently assumed its mandate to investigate labor trafficking cases, required evidence of non-payment of wages to investigate a suspected trafficking case; it did not develop or implement procedures to identify internationally recognized indicators of forced labor, such as the confiscation of travel documents or the imposition of significant debts by employers or labor brokers. Some unidentified victims, particularly those whose documents had been confiscated by employers, were processed as illegal migrants and held in prisons or immigration detention centers prior to deportation.

Prevention

The Malaysian government continued efforts to prevent human trafficking during the reporting period. The National Council for Anti-Trafficking in Persons (MAPO), and its trafficking in persons Secretariat within the Home Ministry continued to coordinate the government's anti-trafficking response; although certain NGOs were included in the MAPO council, some non-affiliated NGOs expressed frustration at not being included in the government's policy discussions in their areas of expertise. In a positive step, the attorney general's office and the Women's Ministry began to invite certain NGOs not affiliated with MAPO to attend meetings to discuss issues of forced labor and victim protection; the government's denial of regular access to a number of NGOs to its victim facilities, however, continues to obstruct effective government-civil society collaboration to combat trafficking. A state-level anti-trafficking council in Selangor, conducted independent anti-trafficking efforts in that state, although it has not been formally recognized by MAPO. The government continued an anti-trafficking public awareness campaign in print media, on the radio, and on television, and officials displayed an increased willingness to speak about the dangers of labor trafficking in addition to sex trafficking. For example, in November 2011, an official from the Human Resources Ministry spoke on a prime time news program to publicize the new provisions of an agreement with Indonesia – including the potential for criminally prosecuting exploitative employers under the anti-trafficking law – and to encourage the public to report suspected abuses. This ministry reported conducting a series of training events reaching 514 domestic workers, 532 employers, and 93 private employment agents. The Home Ministry continued to maintain a watch list of 42 outsourcing companies that recruit foreign workers into Malaysia whose licenses have been suspended for engaging in suspicious activities, such as use of falsified documents or listing false employers, but it did not pursue criminal prosecutions of any outsourcing companies during the year. The government reported imposing administrative sanctions against 136 employers in 2011, but it is unknown whether any of these fines were applied for violations related to human trafficking.

Although the Home Ministry announced plans to investigate allegations that recruitment agencies charged migrant workers excessive, exploitative fees during the government's migrant worker registration program, it took no discernible action to initiate any investigations during the year. In May 2011, the governments of Indonesia and Malaysia signed amendments to a bilateral MOU on domestic workers; the updated agreement includes provisions prohibiting employers from taking possession of domestic workers' passports unless given consent to do so, mandating a weekly rest day for workers, requiring payment of salaries directly into bank accounts, limiting the amount an employer can deduct from a domestic worker's earnings for repayment of recruitment fees, and requiring that workers and employers attend a seminar explaining rights and responsibilities. The MOU provided insufficient protections for workers who are compelled by their employers to "consent" to the withholding of the workers' passports. An existing agreement with the Philippines provides some protections for Philippine workers, and the Malaysian government continued negotiations with the Cambodian government over a proposed MOU to govern Cambodian domestic workers employed in Malaysia. Domestic workers are excluded from a number of protections in Malaysian labor law.

In October 2011, the government amended its Employment Act to provide a legal definition of a “contractor for labour” as an employer; it is unknown what effect these amendments may have on government regulation of contractor-based labor arrangements, which create vulnerabilities to forced labor. Although the confiscation of passports by employers of migrant workers is illegal, the government continued to allow this practice to occur with impunity; it did not prosecute any employers who confiscated passports or travel documents of migrant workers or confined them to the workplace. In January 2012, the government, with an international organization, co-hosted a Bali Process workshop – a regional conference on combating transnational organized crime, including trafficking – attended by delegates from a number of other countries in the region, and earlier in the reporting period, government officials spoke at a conference to engage journalists on human trafficking issues. While authorities continued some anti-trafficking training for officials with responsibilities to combat trafficking, including training conducted through cooperation with foreign donors, international organizations, and NGOs, the lack of understanding of human trafficking by many Malaysian front-line officers, such as police, immigration, and labor officials, continues to hinder the identification and proper investigation of trafficking cases and identification and assistance to trafficking victims. The government did not take measures to reduce the demand for forced labor or commercial sex acts. The government provided anti-trafficking training to Malaysian troops prior to their deployment abroad on international peacekeeping missions.

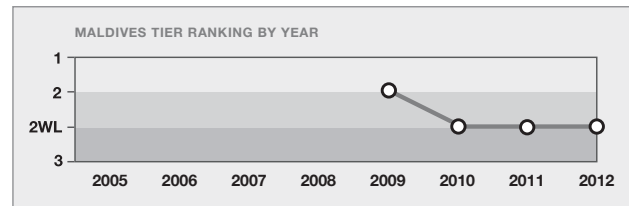
MALDIVES (Tier 2 Watch List)

Maldives is primarily a destination country for migrant workers from Bangladesh and, to a lesser extent, India, some of whom are subjected to forced labor. It is also a source and destination country for women and girls subjected to sex trafficking. An unknown number of the 80,000 to 110,000 foreign workers that government officials estimate are currently working in Maldives – primarily in the construction and service sectors – face conditions indicative of forced labor: fraudulent recruitment, confiscation of identity and travel documents, withholding or nonpayment of wages, or debt bondage. According to government sources, up to 44,000 of these workers do not have legal status in the country, although both legal and illegal workers were vulnerable to conditions of forced labor. According to a diplomatic source, an estimated 50 percent of Bangladeshi workers in Maldives are not documented and a number of these workers are victims of trafficking. Migrant workers pay the equivalent of \$1,000 to \$4,000 in recruitment fees in order to migrate to Maldives. In addition to Bangladeshis and Indians, some migrants from Sri Lanka, Pakistan, and Nepal reportedly experienced recruitment fraud before arriving in Maldives. Recruitment agents in source countries generally collude with employers and agents in Maldives to facilitate fraudulent recruitment and forced labor of migrant workers.

A small number of women from Sri Lanka, Thailand, India, China, the Philippines, Eastern Europe, and former Soviet Union countries, as well as some girls from Bangladesh, are subjected to sex trafficking in Male, the capital. Some reports indicate that internal sex trafficking of Maldivian girls also is a problem. The Human Rights Commission of the Maldives reported that some migrant female domestic workers were

trapped in circumstances in which employers used threats and intimidation to prevent them from leaving. Some underage Maldivian children are transported to Male from other islands for forced domestic service, and a small number were reportedly sexually abused by the families with whom they stayed. This is a corruption of the widely acknowledged practice where families send Maldivian children to live with a host family in Male for educational purposes.

The Government of Maldives does not fully comply with the minimum standards for the elimination of trafficking. The government has not demonstrated evidence of increasing efforts to address human trafficking over the previous year; therefore, Maldives is placed on Tier 2 Watch List for a third consecutive year. Maldives was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. The government continued to lack systematic procedures for identifying victims of trafficking among vulnerable populations and, during the reporting period, did not take sufficient law enforcement steps or concrete actions to protect trafficking victims and prevent trafficking in Maldives. Counter-trafficking efforts are impeded by a lack of understanding of the issue, a lack of legal structure, and the absence of a legal definition of trafficking.



Recommendations for the Maldives: Enact legislation prohibiting and punishing all forms of trafficking in persons; clearly distinguish between human trafficking and human smuggling in legislation, policies, and programs; develop and implement systematic procedures for government officials to proactively identify victims of trafficking among vulnerable groups, such as undocumented migrants and women in prostitution; work to ensure that identified victims of trafficking are provided access to victim services; increase efforts to investigate and prosecute suspected trafficking offenses; raise public awareness of human trafficking through media campaigns; empower the Labor Tribunal by giving it legal authority to enforce its decisions and by providing translators so it is more accessible to foreign workers; ensure that changes to labor migration policies for the purpose of reducing human trafficking do not restrict legal migration; and take steps to ensure that employers and labor brokers are not abusing labor recruitment or sponsorship processes in order to subject migrant workers to forced labor.

Prosecution

The Government of Maldives undertook minimal anti-trafficking law enforcement efforts during the year. Although Maldives does not have laws prohibiting all human trafficking offenses, its constitution prohibits forced labor and slavery, and the Employment Act of 2009 prohibits most forms of forced labor. The Child Sex Abuse Act (2009) criminalizes the prostitution of children with a penalty of up to 25 years’

imprisonment for violations. However, Article 14 of the act provides that, if a person is legally married to a child under Islamic Sharia, none of the offenses specified in the legislation, including child prostitution, would be considered a crime. The government continued to develop its draft anti-trafficking law during the reporting period. The government did not prosecute any new human trafficking cases. Of the two child prostitution investigations noted in the 2011 TIP Report, one investigation is ongoing and the other did not lead to a prosecution due to lack of evidence. Police coordinated with Sri Lankan police in an investigation of Sri Lankan women forced into prostitution in Maldives by suspected Maldivian traffickers.

Protection

The Maldivian government did not ensure that victims of trafficking received access to necessary assistance during the reporting period. The government did not develop or implement formal procedures for proactively identifying victims. In 2011, 13 suspected victims of human trafficking and two suspected human traffickers were intercepted and deported in three cases of human trafficking identified at the Ibrahim Nasir International Airport. The government did not provide access to services, such as shelter, counseling, medical care, or legal aid, to foreign or Maldivian victims of trafficking. The government's general policy for dealing with trafficking victims was to deport them, and it did not provide foreign victims with legal alternatives to their removal to countries where they might face hardship or retribution. Authorities did not encourage victims to participate in the investigation or prosecution of trafficking offenders. Due to a lack of comprehensive victim identification procedures, the government may not have ensured that migrants subjected to forced labor and prostitution were not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked. In April and May 2011, the Department of Immigration and Emigration (DIE) conducted two one-day training programs on trafficking victim identification, training 17 labor inspectors and 35 police officers.

Prevention

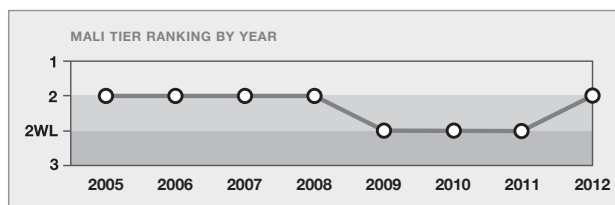
Maldives made some progress in preventing human trafficking during the year. In March 2012, the government approved an anti-trafficking action plan for 2011-12. In January 2012, the government established an Anti Human-Trafficking and People Smuggling Unit, which is charged with implementing the action plan. In April 2011, the DIE established an integrated investigation unit with the Maldives Police Services, and through this unit the government has investigated an unknown number of ongoing cases involving fraudulent recruitment. Two foreigners were deported as a result of these investigations. Police reportedly raided and closed recruitment agencies by court order for further investigation when there was evidence that the agencies' operations involved fraud and forgery. However, no labor recruiter or broker was punished or fined for fraudulent recruitment practices. During the reporting period, the DIE conducted lectures for a college on migration and human trafficking, held anti-trafficking events during a human rights day fair, and conducted a training program for immigration officials. The Labor Relations Authority prepared leaflets on workers' rights in Dhivehi and English for distribution by employers to employees and are translating the leaflets into Bangla, spoken by Bangladeshi migrant workers. In January 2012, the government declared a moratorium on the issuance of new work permits to Bangladeshis seeking to migrate to the

country for employment, a move which was intended to address the vulnerability of unemployed Bangladeshis to trafficking. The government continued a program, started in 2009, to register unregistered migrant workers. The government made efforts to reduce the demand for commercial sex by investigating and prosecuting clients of prostitution. Maldives is not a party to the 2000 UN TIP Protocol.

MALI (Tier 2)

Mali is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Within Mali, women and girls are forced into domestic servitude, agricultural labor, and support roles in artisanal gold mines, as well as subjected to sex trafficking. Malian boys are found in conditions of forced labor in agriculture, artisanal gold mines, and the informal commercial sector. Adult men and boys, primarily of Songhai ethnicity, are subjected to the longstanding practice of debt bondage in the salt mines of Taoudenni in northern Mali. Some members of Mali's black Tamacheck community are subjected to traditional slavery-related practices rooted in hereditary master-slave relationships, and this involuntary servitude reportedly has extended to their children. Boys from Mali, Guinea, Burkina Faso, Niger, and other countries are forced into begging and exploited for labor by corrupt *marabouts* (religious instructors) within Mali and in neighboring countries. Reports indicate that Malian children are transported to Senegal and Guinea for forced labor in gold mines and on cotton and cocoa farms in Cote d'Ivoire. Women and girls from other West African countries are subjected to prostitution in Mali. Malians and other Africans – who travel through Mali to Mauritania, Algeria, or Libya in hopes of reaching Europe – are particularly at risk of becoming victims of human trafficking. Malian girls and women are trafficked to Gabon, Libya, Lebanon, and Tunisia for commercial sexual exploitation.

The Government of Mali does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government increased its efforts to prosecute and convict trafficking offenders, although these did not include cases of hereditary slavery – a problem that remains largely unaddressed. Law enforcement officials prosecuted 11 trafficking cases, convicted seven trafficking offenders, and identified at least 170 victims and referred them to local NGOs. The government provided in-kind donations to NGO-run multipurpose shelters, including paying for the services of doctors to care for trafficking victims' medical needs. It also sponsored awareness-raising events in all eight regions of the country and engaged in a series of bilateral events with regional partners on combating trafficking. Despite ministerial approval in June 2010, a bill outlawing all forms of trafficking, including slavery, has still not been brought to a vote in the National Assembly.



Recommendations for Mali: Improve efforts to investigate and prosecute trafficking offenses, particularly cases of traditional slavery and forced prostitution, and convict and punish trafficking offenders; investigate and, as appropriate, prosecute trafficking offenses involving women and girls brought into and through the country for forced or child prostitution; enact draft legislation that prohibits and punishes all forms of trafficking in persons, including all forms of slavery; train law enforcement officials to identify trafficking victims among vulnerable populations, such as women in prostitution and those in traditional slavery, and refer them to protective services; develop an improved system for collecting data on trafficking crimes and the number of victims identified and referred by government authorities to service providers for care; and increase efforts to raise public awareness about human trafficking, particularly traditional hereditary slavery.

Prosecution

The Government of Mali demonstrated increased anti-trafficking law enforcement efforts during the year. Mali does not prohibit all forms of trafficking, although Article 244 of the criminal code prohibits all forms of child trafficking. Child trafficking offenders convicted under Article 244 face penalties of five to 20 years' imprisonment; these penalties are sufficiently stringent and commensurate with those for other serious crimes, such as rape. Article 229 of the criminal code criminalizes the sexual exploitation of children and forced prostitution of adult women, prescribing penalties of six months' to three years' imprisonment; these penalties are neither sufficiently stringent nor commensurate with other serious crimes, such as rape. Malian law may not adequately prohibit other forms of trafficking. Articles 242 and 243 of the criminal code prohibit forced labor, servitude, and other illegal labor practices. Slavery is prohibited by Malian law, but no penalty is prescribed for its commission. Article 242 of the criminal code, passed in 1973, prohibits individuals from entering into agreements or contracts that deprive third parties of their liberty. NGOs assert that the law, which has sometimes been characterized as an anti-slavery law, is inadequate to prosecute cases of hereditary slavery, which are not predicated on agreements or contracts entered into after 1973. In June 2010, the Council of Ministers approved an anti-trafficking bill, which, if enacted, would prohibit all forms of trafficking, although it does not adequately prohibit slavery. Despite concerted efforts by the Ministry of Justice to bring the bill before the National Assembly, it did not come to the floor for a vote during the reporting period. In 2011, the government, with assistance from international organizations and NGOs, began drafting a law criminalizing slavery. Despite NGO-led efforts to work with the courts in Northern Mali to hear pending and newly registered hereditary slavery cases, deterioration in security throughout northern Mali led to the August 2011 shutdown of all judicial courts in this region. Thus the government, which has not prosecuted a case of traditional slavery since 1969, has not taken action on at least three pending cases of traditional slavery that have been stalled in courts for more than three years.

The government reported investigating 24 new trafficking-related cases in 2011, prosecuting 11 cases and convicting seven trafficking offenders, a significant increase over the two cases investigated and prosecuted and two trafficking offenders convicted in 2010. Five of the seven offenders convicted in 2011 received sentences of five to 20 years' imprisonment; two offenders received three-year suspended sentences. In

June 2011, Malian officials extradited two suspected Nigerian traffickers to Nigeria for prosecution by the National Agency for Prohibition of Traffic in Persons (NAPTIP). In November 2011, the Morals Brigade and Interpol joined forces with NAPTIP and raided four brothels in the capitol, Bamako, operated by Nigerian nationals. Four alleged traffickers were apprehended and transported to Nigeria on a Nigerian government-funded plane, along with approximately 104 potential female trafficking victims. In March 2012, gendarmes apprehended four individuals suspected of trafficking four Burkinabe boys for forced labor in Malian artisanal gold mines. As of March 2012, 12 trafficking-related prosecutions remained before the court. Due to the shutdown of the courts in the north, two cases of traditional slavery remained pending for a third year and four new civil lawsuits requesting the return of children allegedly held in traditional slavery were also put on hold. The government provided no anti-trafficking training to its officials. There was no evidence of government officials' involvement in human trafficking, although general corruption is seen as pervasive through the security forces and the judiciary. The government did not report efforts to investigate, prosecute, or punish acts of government employees' complicity in human trafficking.

Protection

The Government of Mali demonstrated increasing efforts to protect trafficking victims during the year. The government referred approximately 170 victims to NGOs and international organizations for assistance. The vast majority of the victims were initially identified by police, gendarmes, border control officers, or regional officials of the Ministry for the Promotion of Women, Children, and the Family. Border patrol officials stopped two suspected cross-border trafficking attempts, rescuing three Burkinabe children at the Mali-Guinea border, and five Malian girls at the Mali-Niger border. In 2011, the Ministry for Women, Children, and the Family appropriated the equivalent of \$100,000 to support regional multipurpose welcome centers and family placement services for abused or trafficked children. Due to limited resources, the government did not directly offer shelter services, although its regional welcome centers received trafficking victims from law enforcement and other government officials and referred them to an NGO-operated shelter or other forms of care. The government paid for the services of doctors who cared for child trafficking victims in NGO-operated multipurpose facilities. Government officials periodically visited multipurpose shelters in the capital and brought large donations of milk, sugar, diapers, and other in-kind support to these organizations. The prime minister presented the equivalent of \$600 to a shelter that cared for infants and children, some of whom may be trafficking victims. The government also provided the equivalent of \$435 in direct aid to rescue and repatriate 19 Senegalese boys held in forced begging by a corrupt Malian *marabout*. The government did not report identifying or assisting any victims of traditional slavery. Despite increasing reports of large numbers of children forced to labor in artisanal gold mines within Mali, the government cited a lack of personnel and resources to adequately identify and rescue victims in this sector. There were no reports that trafficking victims were penalized for unlawful acts they committed as a result of being trafficked.

Prevention

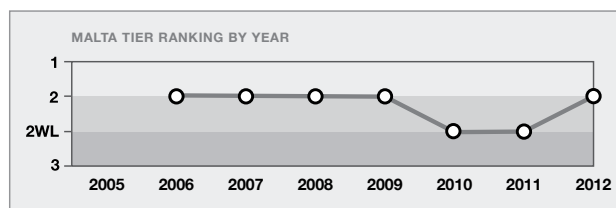
The Government of Mali made modest efforts to prevent trafficking during the last year. In October 2011, the Ministry of Malians Abroad held a workshop in Bamako to educate approximately 5,000 Malians about the dangers of illegal migration to Europe, including the possibility of becoming a victim of human trafficking. In January and February 2012, the Ministry of Malians Abroad sponsored awareness raising debates on human trafficking in all eight of Mali's regions. The chair of the National Coordinating Committee for the Fight against Trafficking in Persons and the head of the Malian National Unit for the Fight against Child Labor participated in international meetings in Cote d'Ivoire, Togo, Senegal, and Guinea-Bissau to further coordinate regional trafficking prevention. As part of the Mali-Cote d'Ivoire bilateral accord, the Malian and Ivoirian first ladies met in October 2011 to intensify their efforts against human trafficking. In November 2011, the National Coordinating Committee, the National Unit for the Fight Against Child Labor, the Committee to Track Child Labor, and local NGOs gathered and agreed to regular meetings, a standardized intake process, and common forms and tools for use by police, ministry officials, regional directorates, and NGOs in addressing child victims of trafficking. The government took no visible measures to decrease the demand for commercial sex acts or forced labor. The government did not provide anti-trafficking training to Malian troops prior to their deployment abroad on international peacekeeping missions.

MALTA (Tier 2)

Malta is a source, transit, and destination country for women and children subjected to sex trafficking. Sex trafficking victims have originated in Romania and Russia; children from Malta are also found subjected to sex trafficking within the country. Malta is likely a destination country for men and women subjected to forced labor, including in restaurants, private households, and in unskilled or semi-skilled labor. The approximately 4,500 irregular African migrants currently residing in Malta from African countries may be vulnerable to human trafficking in the country's informal labor market. There were reports that Malta may be a transit country for African women subjected to sex trafficking in continental Europe.

The Government of Malta does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government progressed this year in its commitment to fight human trafficking, including through victim identification and the prosecution of trafficking offenders. The government created its first national anti-trafficking action plan and allocated funds to implement the plan. The government formally identified three victims of sex trafficking in June and began prosecuting the offenders. The government convicted a trafficking offender in a long-pending case, sentencing the offender to a significant prison term. The government also began collaborating with members of civil society to improve its anti-trafficking activities. Nevertheless, the Maltese government did not identify children in prostitution as sex trafficking victims or provide them with support available under Maltese anti-trafficking laws, but instead charged some them for loitering for prostitution and sometimes subjected them to punishment. Despite issuing the action plan in late

2011, the government has not yet finalized formal victim identification guidelines or conducted awareness-raising activities. The government sponsored an IOM-conducted training session in late March 2012 which was designed to review existing guidelines and provide a template for a new national referral mechanism.



Recommendations for Malta: Strengthen efforts to proactively identify trafficking victims among vulnerable populations, particularly migrants, children, and women in prostitution, and foreign workers; develop and ensure implementation of formal victim identification guidelines; ensure that victims of trafficking are not punished for acts committed as a direct result of trafficking; ensure that potential trafficking victims are not deported prior to the investigation of their trafficking cases; increase efforts to investigate and prosecute trafficking offenses and convict and punish trafficking offenders; continue to ensure that convicted trafficking offenders, including any officials convicted of complicity in trafficking, receive adequate punishment, including time in prison; fully enact national anti-trafficking action plan; strengthen partnerships with NGOs or religious organizations in Malta on anti-trafficking activities and encourage NGOs or religious organizations to cooperate with the government in identifying and providing services to potential victims; publicize the support hotline more broadly as an anti-trafficking hotline; and establish partnerships with international organizations and NGOs in relevant source countries, as appropriate, to ensure safe and voluntary repatriation for foreign victims.

Prosecution

The Government of Malta demonstrated clear progress in its law enforcement efforts to address human trafficking during the reporting period. Article 248A-E of Malta's criminal code prohibits all forms of trafficking in persons and prescribes punishments of two to nine years' imprisonment. These prescribed penalties are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. The government investigated three new trafficking cases during the year, a significant increase from the complete lack of cases investigated in the previous three years. The first case involved Romanian dancers allegedly coerced into prostitution. The two remaining cases involved labor trafficking. The government initiated the prosecution of four alleged offenders in the sex trafficking case; the other investigations remained ongoing. A court convicted one trafficking offender in a case pending from 2004, sentencing him to a term of ten years in prison and one additional year for a prior suspended sentence. Prosecution of a police officer charged in a directly related criminal case remained pending. Authorities also convicted a trafficking offender on non-trafficking charges related to producing child pornography and child prostitution, sentencing the offender to six years in prison. The government provided partial financial support for an anti-trafficking training session conducted in June

2011 for members of the police, the attorney general's office, the social services agency, and other stakeholders. In March 2012, the government funded training for 30 government and NGO representatives on victim identification and referral. The government did not conduct any training programs in the previous reporting period. In January 2012, the government reorganized the police vice squad to create a specialized unit on trafficking and appointed an experienced police inspector as its head. Maltese authorities collaborated with Russian and Polish authorities on sex-trafficking investigations.

Protection

The Government of Malta improved its victim protection efforts during the reporting period, identifying victims of trafficking, and providing care to two of them. The government did not have a formal referral mechanism with which to identify victims of trafficking and ensure their care. The lack of formal procedures to guide law enforcement responders in identifying victims of trafficking in vulnerable groups – such as children in prostitution, foreign workers, women in prostitution, and irregular migrants – continued to impair the government's ability to ensure that trafficking victims were recognized and treated in accordance with international law. Authorities sometimes filed criminal charges against children in prostitution without showing that they had attempted to identify any trafficking victims among them. The government publicly recognized the need to create victim identification guidelines and created a task force to do so. In 2011, the government identified three foreign female sex trafficking victims. The social services agency provided the victims with hotel accommodation and short-term psychological assistance during the brief period of time they were in Malta. The government funded the victims' return to their home country at their request but did not coordinate with NGOs to ensure that their return was safe. The government continued to assign responsibility for the care of trafficking victims and provide funding to Appogg, a government social services agency with some private participation. Under the terms of a memorandum of understanding, Appogg was empowered to provide shelter, psychological care, and other services to any identified victims of trafficking. Appogg cared for one potential trafficking victim in its 16-bed mixed-use shelter. The government also provided long-term medical care and rehabilitation to another trafficking victim evacuated from Libya. During the previous year, Appogg cared for no victims of trafficking. The government entered into a contract with an international organization for anti-trafficking protection work. The government did not establish any partnerships with international NGOs or organizations in relevant source countries to ensure the safe and voluntary return of foreign victims. There were no reports of any trafficking victims availing themselves of the government's 60-day "reflection period," during which authorities would provide them shelter and services while they reflected on their options as provided under Maltese law. Victims who assisted police in prosecuting trafficking cases are entitled in theory to residence permits, but the government did not issue any such permits to victims during the year. The government took action to inspect both risky workplaces and strip clubs to detect illegal work and potential trafficking cases.

Prevention

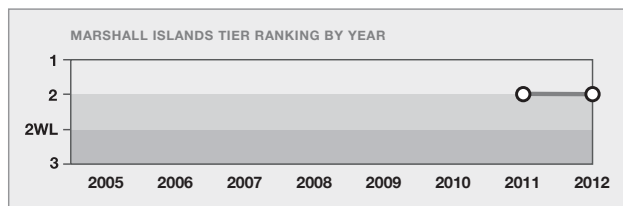
The government made progress in advancing anti-trafficking prevention efforts. In October 2011, it publicized its first anti-

trafficking national action plan. The action plan contemplates that the government train the judiciary, law enforcement, and social services on trafficking, create guidelines for victim identification, complete a study on victims' needs, and conduct awareness raising activities among vulnerable groups, including irregular migrants. The government allocated significant funds toward the action plan – the equivalent of approximately \$132,000 in 2011 and the equivalent of approximately \$198,000 in 2012. In no prior year has the government assigned a line-item budget for trafficking. The government enhanced transparency by issuing quarterly reports about its anti-trafficking activities. The government's anti-trafficking monitoring board brought together key actors from relevant agencies, such as the Office of the Prime Minister, the Ministry of Finance, the Ministry of Justice and Home Affairs, and the police commissioner. The government also began convening the stakeholder task force of working-level contacts responsible for anti-trafficking activities. The government also established relationships with certain civil society organizations to strengthen anti-trafficking efforts. NGOs were specifically included in the anti-trafficking action plan to identify trafficking victims and assist in their care. The government conducted no formal anti-trafficking awareness campaigns during the year, although government officials did discuss trafficking in persons openly and high-level officials took part in a top-rated television interview program on the subject of human trafficking in October 2011. The Appogg social services agency continued to run a social services hotline that could receive calls about human trafficking but did not receive any trafficking-related calls on the hotline during the reporting period. NGOs raised concerns that the hotline was not well-publicized as a mechanism through which individuals could report cases of trafficking. The government did not report taking any specific measures to reduce the participation of Maltese nationals in child sex tourism abroad.

MARSHALL ISLANDS (Tier 2)

The Republic of the Marshall Islands (RMI) is a destination country for women subjected to sex trafficking. Foreign women are reportedly forced into prostitution in bars frequented by crew members of Chinese and other foreign fishing vessels; some Chinese women were recruited with the promise of legitimate work, and after having paid large sums of money in recruitment fees, forced into prostitution in the Marshall Islands. Little data on human trafficking in the Marshall Islands are available, as the government has not made efforts to identify victims proactively, especially among vulnerable populations such as foreign and local women in prostitution and foreign men on fishing vessels in Marshall Islands waters. The government has not conducted any inquiries, studies, or surveys on human trafficking.

The Government of the Marshall Islands does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government obtained two convictions in the country's first human trafficking cases, and it enacted legislation specifically prohibiting human trafficking. However, the government did not take steps to identify and protect victims of sex trafficking proactively or educate the public about human trafficking. The government devotes few resources to addressing human trafficking.



Recommendations for the Marshall Islands: Train law enforcement and judicial officials to implement new anti-trafficking laws; increase efforts to investigate, prosecute, and punish trafficking offenders and apply stringent sentences to convicted offenders; take steps to prosecute public officials when there is evidence they are complicit in trafficking activities or hindering ongoing trafficking prosecutions; work with NGOs and international organizations to provide protective services to victims; make efforts to study human trafficking in the country and identify victims among vulnerable populations, such as women in prostitution, and foreign workers, including foreign fishermen; adopt proactive procedures to identify victims of trafficking among vulnerable groups, such as foreign workers and women in prostitution; develop and conduct anti-trafficking information and education campaigns; and accede to the 2000 UN TIP Protocol.

Prosecution

The Government of the Marshall Islands increased its efforts to investigate and prosecute trafficking offenses during the reporting period. In September 2011, the government enacted its first legislation specifically prohibiting trafficking in persons, within a package of revisions to the country's criminal code. Article 251 of the revised code, which came into effect in October 2011, defines trafficking and prescribes penalties of up to 35 months' imprisonment and a \$5,000 fine for the trafficking of adults and up to 10 years' imprisonment and a \$10,000 fine for the trafficking of children. The penalties for the trafficking of children are sufficiently stringent, but the penalties for trafficking adults are not, and neither penalty is commensurate with those prescribed for other serious crimes, such as rape. A specific section of Article 251 criminalizes the exploitation of people not legally entitled to work, including through confiscating such workers' passports or travel documents, disclosing the circumstances of their employment to any person, or interfering with workers' access to privacy and freedom of movement. Article 251 also includes updated provisions against promoting prostitution, replacing the Prostitution Act, which was used to prosecute two cases during the year. During the year, authorities initiated one new sex trafficking prosecution and concluded one which remained pending at the close of the previous year; both cases, prosecuted under the country's now-repealed anti-prostitution law, involved Chinese traffickers who lured women to the RMI from China on the promise of legitimate employment and subsequently forced them into prostitution. The government obtained convictions in both cases – the first convictions for human trafficking offenses in the RMI – despite initial concerns that senior officials might attempt to interfere in the trials. The first convicted trafficker received an insufficient sentence of a one-year house arrest and a fine; she was permitted to leave the country to visit family after submitting a bond to the government and is currently serving her sentence in the RMI. The second offender was sentenced to five years' imprisonment, the maximum allowed under the law, and a fine, but four

years of the sentence were suspended; due to a lack of prison facilities for women, she is currently serving her sentence as house arrest. The government did not provide any training for law enforcement or other officials on the provisions of the new legislation or how to recognize, investigate, and prosecute instances of trafficking. The government did not investigate, prosecute, or convict any public officials for trafficking or trafficking-related offenses during the reporting period. The government also did not provide training to law enforcement or court personnel on identifying trafficking victims and prosecuting trafficking offenders.

Protection

The Government of the Marshall Islands made few efforts to ensure trafficking victims' access to protective services during the year. Law enforcement and social services personnel do not have systematic procedures to identify victims of trafficking proactively among high-risk populations with whom they come in contact; this could have resulted in some victims being punished for acts committed as a result of being trafficked. No specialized services were available to trafficking victims. Two foreign victims identified themselves to authorities with complaints of mistreatment. Both victims, in addition to two victims identified during the previous year, assisted authorities in the investigation and prosecution of their cases. The government does not have any mechanisms in place to ensure that trafficking victims receive access to legal, medical, or psychological services, and it did not make efforts to identify or reach out to international organizations or community groups to provide such assistance. The government did not provide financial assistance to repatriate victims to their home countries. The government does not provide legal alternatives to the removal of victims to countries where they may face hardship or retribution.

Prevention

The government made negligible efforts to prevent trafficking during the year. It did not conduct any public campaigns or take other steps to raise public awareness about the dangers of trafficking. The government did not provide general human trafficking awareness training or guidelines to government employees, nor did it take steps to reduce the demand for commercial sex acts. The lack of explicit labor rights afforded to all workers in the Marshall Islands' labor code increases the vulnerability to forced labor. The RMI is not a party to the 2000 UN TIP Protocol.

MAURITANIA (Tier 2 Watch List)

Mauritania is a source, transit, and destination country for women, men, and children subjected to conditions of forced labor and sex trafficking. Adults and children from traditional slave castes are subjected to slavery-related practices rooted in ancestral master-slave relationships. Reliable data on the total number of slaves do not exist, but according to the estimate of a respected Mauritanian NGO, slavery may affect up to 20 percent of the population in both rural and urban settings. Held for generations by slave-holding families, persons subjected to slavery are forced to work without pay as cattle herders and domestic servants. Some boys from within Mauritania and other West African countries who study at

Koranic schools – referred to as *talibes* – are subsequently subjected to forced begging by corrupt religious teachers known as *marabouts*. Mauritanian girls as well as girls from Mali, Senegal, The Gambia, and other West African countries are forced into domestic servitude. Mauritanian women and girls are forced into prostitution in the country or transported to countries in the Middle East for the same purpose. Men from Middle Eastern countries use legally contracted “temporary marriages” as a means to sexually exploit young girls and women in Mauritania.

The Government of Mauritania does not fully comply with the minimum standards for the elimination of trafficking, but it is making efforts to do so. The government acknowledges that some forms of trafficking are a problem in the country and, during the year, its multi-stakeholder body met seven times to coordinate government and NGO activities related to child trafficking, child smuggling, and child labor. For the first time in its history, in November 2011, the government successfully prosecuted and punished a slave-master under its 2007 anti-slavery law. In partnership with local NGOs, the government rescued four child trafficking victims during the year. In early 2011, the parliament approved a constitutional provision criminalizing slavery and all forms of exploitation, equating them to crimes against humanity. In August, the government also enacted a new statute to strengthen the labor code governing the employment of domestic workers in private households. Despite these efforts, investigations and prosecutions remained minimal and protective services for victims were inadequate.



Recommendations for Mauritania: Increase efforts to investigate and prosecute trafficking offenses, addressing all types of trafficking of adults as well as children, and to convict and punish offenders using the 2003 Law Against Trafficking in Persons and the 2007 Anti-Slavery Law; ensure that efforts to hold parents criminally liable for their involvement in sending their children away from home are accompanied by efforts to prosecute and convict the traffickers who force children into servitude; train law enforcement personnel to identify trafficking victims among vulnerable populations, such as women in prostitution and those in traditional slavery, and refer them to protective services; consider amending Law 2007-048, which outlaws slavery, to allow civil society organizations to file complaints on behalf of slaves; provide support for and access to legal assistance for adult and child trafficking victims; increase efforts to coordinate with NGOs to arrange protective services for trafficking victims; with input from civil society representatives, develop a plan to provide economic resources – financial or property – to empower members of traditional slave castes to live independently; ensure that the Program to Eradicate the Effects of Slavery functions and provides financial compensation to previous slaves; and increase efforts to raise public awareness about trafficking, including traditional servitude.

Prosecution

The Government of Mauritania increased its anti-trafficking law enforcement efforts during the reporting period. All forms of trafficking, except hereditary slavery, are prohibited by the 2003 Law Against Trafficking in Persons, which prescribes penalties of five to 10 years' imprisonment for violations. These penalties are sufficiently stringent and exceed those prescribed for rape. Slavery, including hereditary slavery, is prohibited by Law 2007-048, which was enacted in September 2007. The law defines slavery and prescribes a sufficiently stringent penalty of five to 10 years' imprisonment for violations. The law's effectiveness remains impaired by its requirement that slaves file a legal complaint before prosecution can be pursued as well as by its barring of NGOs from filing complaints on behalf of slaves. Many slaves are illiterate and unable to complete the paperwork involved in filing a criminal or civil complaint. The government provided no support for programs to assist victims in filing complaints on slavery. In April 2011, the government prosecuted two alleged slave-masters for enslaving a child. Although the court acquitted the defendants, the case set a precedent, as it was the first time the 2007 anti-slavery law was specifically invoked. In November 2011, the government successfully prosecuted six individuals for enslaving two children and convicted a slave-master, his siblings, and the mother of enslaved 11- and 14-year-old boys for slavery offenses under the 2007 anti-slavery law. The slave-master received a sentence of two years' imprisonment, while his four siblings and the children's mother were given two two-year suspended sentences and fines ranging from the equivalent of \$1,724 to \$345, respectively, for their complicity. The judge ordered the slave-master to pay the victims the equivalent of \$3,725. In partnership with UNICEF, 213 law enforcement officials and NGOs participated in training that covered anti-trafficking. As a result of complaints filed by NGOs and parents, trafficking victims who had suffered violence and physical abuse were referred to the Special Police Brigade for Minors. NGOs reported that few of these cases resulted in prosecutions. Victims and their employers generally resolved grievances via informal agreements out of court. The government did not report any investigations or prosecutions of government officials for complicity in trafficking, although civil society representatives argue that judicial failure to pay due attention to slavery cases brought to their attention amounts to tacit complicity.

Protection

The Government of Mauritania demonstrated modest efforts to protect victims of human trafficking, including those exploited in traditional slavery. NGOs reported that the government removed four children from slavery in 2011 as well as 1,678 child domestic workers and childcare providers – some of whom may have been victims of trafficking – from exploitative households. Six former slave children were returned to their families and 182 of the 1,678 rescued child domestic workers were enrolled in school or training centers, with the remainder returned to their families. The Ministry of Social Affairs, Childhood, and the Family continued to operate two National Centers for the Protection and Social Integration of Children and, in September 2011, opened a third center in a major town in the interior. However, NGOs note that these centers are not fully functional due to insufficient funding, and it is not clear how many of the children they assisted were trafficking victims. During the reporting period, NGOs provided the majority of protection services to trafficking victims. The

government continued to take no steps to identify trafficking victims among vulnerable populations. Illegal migrants were detained and placed in the Migrant Detention Center at Nouadhibou pending their expulsion from the country, and women suspected of prostitution were often jailed. The government also did not encourage victims to assist in the investigation and prosecution of human trafficking cases, and no victims filed civil suits against trafficking offenders.

Prevention

The Government of Mauritania made limited efforts to raise awareness of trafficking during the year. In January 2012, the Commissariat for Human Rights, Humanitarian Action, and Relations with Civil Society, a government agency responsible for coordinating Mauritania's international commitments with its domestic human rights policy, held a two-day workshop in cooperation with the UN to create a road map for Mauritania's anti-trafficking efforts. The government broadcast a televised debate on slavery in April 2011 with representatives from local NGOs, government officials, and the country's human rights ombudsman. In August 2011, Mauritania adopted a new labor statute to update and strengthen regulation of the employment of domestic workers by private households, including replacing provisions governing the treatment of household employees and reinforcing their rights *vis-a-vis* employers for proper treatment, pay, and work conditions. The TTTE (*Traite, Traffic, et Travail des Enfants*), the government's multi-stakeholder body addressing trafficking in persons, organized a workshop in January 2012 to present a draft law to representative government agencies on the worst forms of child labor and strengthening child protection. Through its child protection centers, the government provided care to children vulnerable to forced labor and helped reintegrate approximately 2,000 children back into public school. The government's the equivalent of \$3.4 million Program to Eradicate the Effects of Slavery (PESE) did not function during the reporting period after the former human rights commissioner was arrested in 2010 and the commissariat's financial director and the PESE coordinator were arrested on corruption charges in May 2011. The government made no effort to reduce the demand for forced labor or commercial sex acts.

MAURITIUS (Tier 1)

Mauritius is a source country for children and, to a much lesser extent, men and women subjected to sex trafficking primarily, but also to forced labor. Secondary school-age girls and, in fewer numbers, younger girls from all areas of the country, including from Rodrigues Island, are induced into prostitution, often by their peers, family members, or by businessmen offering other forms of employment. Girls are also sometimes sold into prostitution by a family member or forced into the sex trade in exchange for food and shelter. Taxi drivers provide transportation and introductions for both the girls and the clients. Girls and boys whose mothers engage in prostitution are reportedly vulnerable to being forced into prostitution at a young age. Some women addicted to drugs are forced into prostitution by their boyfriends, who act as their pimps. In recent years, small numbers of Mauritian adults have been identified as trafficking victims in the United Kingdom, Belgium, and Canada. Mauritius's manufacturing and construction sectors employ approximately 30,000 foreign

migrant workers from India, China, Bangladesh, Sri Lanka, and Madagascar. Although there have been no confirmed cases to date of workers subjected to conditions of forced labor within Mauritius, some migrant workers have reported passport confiscation, underpayment of wages, substandard living conditions, and threats of deportation. In 2011, Cambodian men were identified as victims of forced labor on a Thai-flagged fishing boat in Mauritius's territorial waters. Malagasy women reportedly transit Mauritius *en route* to employment as domestic workers in Lebanon, where some were subsequently subjected to conditions of forced labor.

The Government of Mauritius fully complies with the minimum standards for the elimination of trafficking. Mauritius sustained its efforts to identify, investigate, and prosecute human trafficking offenses during the reporting period. In 2011, the government investigated 14 cases of child trafficking and convicted six trafficking offenders, an increase over the previous year. The government augmented its funding for victim services, identified and cared for seven victims of child prostitution, and rescued and repatriated 24 Cambodian forced labor victims. The Mauritius police force maintained its anti-trafficking training programs for police officers and continued its awareness campaigns in schools and villages. The government's efforts to communicate with and coordinate among all relevant ministries, however, remained lacking, leading to inconsistent provision of protective and investigative services to trafficking victims. Although the government sought to address proactively the exploitation of children in prostitution, it made no similar effort to investigate or address the forced prostitution of women.



Recommendations for Mauritius: Utilize anti-trafficking legislation to investigate and prosecute trafficking offenses and convict and punish trafficking offenders, including in cases involving adult women exploited in forced prostitution; designate an official coordinating body or mechanism to facilitate improved anti-trafficking communication and coordination among the relevant ministries, law enforcement entities, working groups, and NGOs; establish procedures to guide officials in the proactive identification of victims of trafficking among at-risk populations; provide increased funding and support to all branches of the Minors Brigade in the investigation of human trafficking cases; provide anti-trafficking training to personnel of the police prosecution office to improve the timeliness in deciding whether to prosecute trafficking cases; and ensure that all cases of children in prostitution identified by the Ministry of Gender Equality, Child Development, and Family Welfare's (MOGE) Child Development Unit (CDU) are referred to the police for investigation.

Prosecution

The Mauritian government augmented its anti-trafficking law enforcement efforts during the reporting period, investigating an increased number of child trafficking cases and achieving

six convictions, compared with none in 2010. The Combating of Trafficking in Persons Act of 2009 prohibits all forms of trafficking of adults and children and prescribes penalties of up to 15 years' imprisonment for convicted offenders. In addition, the Child Protection Act of 2005 prohibits all forms of child trafficking and prescribes punishment of up to 15 years' imprisonment; the Judicial Provisions Act of 2008 increased the maximum prescribed punishment for child trafficking offenses to 30 years' imprisonment. All of the aforementioned penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape.

From arrest to sentencing of offenders, cases of child trafficking typically took 18 to 24 months to resolve; a lack of anti-trafficking training among officials in the police prosecution office often created backlogs when determining whether to prosecute a trafficking case. The MOGE reported the government's investigation of 14 cases of child trafficking in 2011. The Mauritian police reported its investigation of 12 child sex trafficking cases involving 15 suspects during the reporting period, including one case involving three suspects in early 2012, and its referral of 11 cases to the director of public prosecution for trial in 2011. The government secured six convictions in 2011 under Article 14-1 (Causing a child to be sexually abused) of the Child Protection Act and Articles 253 (Procuring prostitutes) and 90 (Brothel keeping) of the Criminal Code Amendment Act of 1998, with punishments ranging from small fines to 10 years' imprisonment with hard labor; one convicted trafficking offender received a suspended sentence pending the completion of 250 hours of community service. In July 2011, the government convicted one man and one woman under Article 14-1(c) of the Child Protection Act for causing a child to engage in prostitution, sentencing them to 10 years' imprisonment with hard labor. The Minors Brigade of the Mauritian police force maintained a database of all trafficking incidents involving minors. A local NGO provided training for 70 government officials on commercial sexual exploitation of children and the police training school provided training to 300 new police recruits on trafficking in persons. There was no evidence of government officials' involvement in human trafficking during the reporting period.

Protection

The government sustained protection of child trafficking victims during the reporting period and dedicated significant financial resources to expanding existing assistance options. The Minors Brigade systematically referred all cases of identified children in prostitution to the CDU for assistance. CDU officials regularly referred abused and exploited children to organizations running multi-purpose shelters for care. The government also encouraged the placement of trafficking victims in foster homes for long-term shelter. Victims received medical and psychological assistance regardless of whether they resided in a shelter, in foster care, or with relatives. In 2011, the MOGE provided the equivalent of \$89,965 to fund the operation of an NGO-run drop-in center for sexually abused children – a 246 percent increase over 2010 funding – that provided counseling to girls engaged in prostitution and advertised its services through a toll-free number and community outreach. The center counseled seven victims of child prostitution during the reporting period. In 2011, the MOGE broke ground on the construction of a residential center at Grande Riviere North West – at a cost equivalent to \$804,195 – to provide care for victims of child prostitution; it is expected to be operational by June 2012.

In July 2011, Mauritian maritime authorities intercepted a Thai-flagged fishing vessel and rescued 24 Cambodian males, including one child, who claimed to be working in conditions of forced labor. Although the government did not designate the 24 Cambodians as victims of human trafficking or offer them shelter, it facilitated IOM's interviewing of the victims and the Mauritius Immigration Office transported the victims to and provided them assistance at the airport when they were repatriated to Cambodia in the November 2011. Although the government continued to operate a 24-hour hotline for reporting cases of sexual abuse, it received no calls regarding cases of child prostitution or other forms of trafficking in 2011. The government continued to employ a formal protocol on the provision of assistance to all victims of sexual abuse; minors victimized in prostitution were accompanied to the hospital by a child welfare officer, and police worked in conjunction with this officer to obtain statements from the children. Medical treatment and psychological support were readily available at public clinics and NGO-run centers in Mauritius. The government encouraged victims' assistance in the investigation and prosecution of trafficking crimes, and ensured that identified victims were not incarcerated inappropriately, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked.

Prevention

The government made notable efforts to prevent the sex trafficking of children and reduce the demand for commercial sex acts during the year. Communication and coordination among the relevant government ministries, however, was insufficient and hindered effective national partnerships. The police Family Protection Unit and the Minors Brigade continued their widespread public awareness campaigns on child abuse and child rights at schools and community centers that included information on the dangers and consequences of engaging in prostitution. The campaign targeted at-risk regions in the east and south coasts of the island and reached 38,979 persons in 2011, including parents, primary school children, high school students, and civil society members. Members of police units also discussed these topics on three radio programs. Law enforcement and child welfare officials conducted surveillance at bus stops, nightclubs, gaming houses, and other places frequented by children to identify and interact with students who were at a high risk of sex trafficking. In order to prevent potential child trafficking between mainland Mauritius and Rodrigues Island, the Passport and Immigration Office required children under the age of 18 to carry a travel document issued by their local police station when traveling between the two islands.

The Ministry of Tourism, Leisure, and External Communications sustained its distribution of pamphlets to hotels and tour operators regarding the responsibility of the tourism sector to combat child sex trafficking. Inspections conducted by the Ministry of Labor's 30 labor officers in 2011 yielded no cases of forced labor or exploitative child labor. The Ministry of Labor's Special Migrant Unit was responsible for vetting contracts, inspecting workplaces, investigating claims of poor working conditions, and following up on worker complaints; it did not provide specific information regarding corrective actions, such as the issuing of notices or fines, taken as a result of such inspections during the reporting period. The unit employed interpreters to facilitate communication between the ministry and foreign workers of every nationality employed in Mauritius. The Occupational

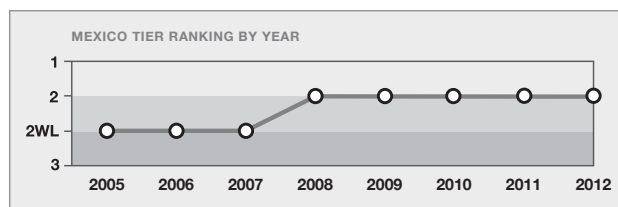
Safety and Health (Employees' Lodging Accommodation) Regulations of 2011 establish a minimum standard for lodging and other living conditions provided to migrant workers. In 2011, the government established a lodging accommodation committee to examine companies' applications for lodging permits, as well as a lodging accommodation unit – comprised of officials from the Ministries of Labor and Health and the Fire Services Department – to enforce the regulations. Corrective actions taken by these entities during the reporting period, if any, are unknown. Several Mauritian statutes, including the anti-trafficking act, the Child Protection Act, and the Employment Rights Act of 2008 make provision for criminal punishment for local recruitment agencies who engage in recruitment of workers using fraudulent or deceptive offers; the government did not investigate or shut down any local or foreign recruitment agencies suspected of fraudulent operations in 2011.

MEXICO (Tier 2)

Mexico is a large source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Groups considered most vulnerable to human trafficking in Mexico include women, children, indigenous persons, persons with mental and physical disabilities, and undocumented migrants. Mexican women and children are exploited in sex trafficking within Mexico and the United States, lured by fraudulent employment opportunities or deceptive offers of romantic relationships. Mexican men, women, and children also are subjected to conditions of forced labor in agriculture, domestic service, construction, and street begging, in both the United States and Mexico. The vast majority of foreign victims in forced labor and sexual servitude in Mexico are from Central and South America, particularly Guatemala, Honduras, and El Salvador. However, trafficking victims from the Caribbean, Eastern Europe, Asia, and Africa have also been identified in Mexico, some *en route* to the United States. There were continued reports from civil society organizations that organized criminal groups coerced children and migrants into prostitution and to work as hit men, lookouts, and drug mules. Central American men, women, and children, especially Guatemalans, are subjected to forced labor in southern Mexico, particularly in agriculture, domestic servitude, street vending, and forced begging. Child sex tourism persisted in Mexico, especially in tourist areas such as Acapulco, Puerto Vallarta, and Cancun, and in northern border cities like Tijuana and Ciudad Juarez. Many child sex tourists are from the United States, Canada, and Western Europe, though some are Mexican citizens. In some parts of the country, threats of violence from criminal organizations impede the ability of the government and civil society to combat trafficking effectively.

The Government of Mexico does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, Mexican authorities passed constitutional reforms on trafficking, strengthened training and awareness efforts, and significantly increased trafficking convictions at both the federal and state level, convicting at least 14 trafficking offenders. Given the magnitude of Mexico's trafficking problem, however, the number of human trafficking investigations, prosecutions, convictions, and sentences remained low, and government funding for victim services remained inadequate. Victim identification and interagency coordination

remained uneven. While Mexican officials recognize human trafficking as a serious problem, NGOs and government representatives report that some government officials tolerate and are sometimes complicit in trafficking, undermining anti-trafficking efforts.



Recommendations for Mexico: Continue to investigate and prosecute trafficking offenses and convict and punish trafficking offenders at both the federal and state level, including for forced labor crimes; increase efforts to hold public officials who are complicit in trafficking accountable through prosecution and conviction; increase funding for specialized victim services and shelters and ensure that victims of all forms of trafficking receive adequate protection; continue to implement the National Program to Prevent and Combat Trafficking in Persons and consider increasing dedicated funding for the program; consider amending the current law to strengthen the legal framework; increase collaboration with NGOs to provide victim care; enhance formal procedures to identify trafficking victims among vulnerable populations, such as people in prostitution and undocumented migrants; improve coordination mechanisms between federal, state, and local authorities; increase the ability of regional and state coalitions and specialized units to more effectively respond to human trafficking cases through increased funding and staff dedicated to state-level efforts; improve data collection efforts; ensure effective protection for witnesses and victims testifying against traffickers; and increase training on human trafficking and victim identification and treatment for law enforcement officers, immigration officials, labor inspectors, prosecutors, judges, social workers, and other government employees.

Prosecution

The Government of Mexico sustained its anti-trafficking law enforcement efforts during the reporting period; convictions of sex trafficking offenders increased, though the number of convictions remained low in comparison with the number of cases investigated. There were no reported convictions for forced labor. Mexico's 2007 federal anti-trafficking law prohibits all forms of human trafficking, prescribing penalties of six to 18 years' imprisonment. The law includes a clause that can render consent of victims over the age of 18 relevant, even if threats, abduction or fraud were used, making the prosecution of traffickers more difficult when the victim may have originally consented to an activity. In April 2011, the government enacted reforms raising trafficking to the level of a serious crime, allowing for preventive detention of suspected traffickers, as well as establishing enhanced victim identity protections.

In Mexico's federal system, state governments investigate and prosecute trafficking cases that occur wholly within the country, except in cases that involve organized crime, transnational trafficking, government officials, and cases occurring on federally-administered territory. All 32 Mexican

states have passed some anti-trafficking penal code reforms, though these reforms varied in content and effectiveness, and not all of the reforms outlawed all forms of trafficking. Eighteen states have specific state trafficking laws, and three have achieved convictions under these laws. Inconsistencies among state penal codes and laws on human trafficking caused confusion among law enforcement and problems among inter-state prosecutions.

The federal police maintained a small unit to investigate human trafficking and smuggling crimes, and some states also had law enforcement units that investigated trafficking crimes, specifically sex trafficking. The Attorney General's Special Prosecutor's Office for Violence Against Women and Trafficking in Persons (FEVIMTRA) handles federal trafficking cases involving three or fewer suspects, while the Attorney General's Office of the Special Prosecutor for Organized Crime (SIEDO) investigates cases with more than three suspects. Law enforcement coordination between different government entities and data collection on human trafficking efforts were weak. Officials and NGOs reported that some investigations and prosecutions were delayed while authorities determined which prosecutors had jurisdiction, to the detriment of both the criminal case and the victim. Resources and staff for these dedicated units remained limited. Mexican authorities at the federal and state levels convicted a total of 14 sex traffickers during the year. There were no reported convictions for forced labor. In 2011 FEVIMTRA investigated 67 trafficking cases: it did not report how many prosecutions were initiated, and did not report or sentence any traffickers. In 2011, SIEDO achieved its first convictions for trafficking; four sex trafficking offenders received sentences ranging from 14.5 to 16.5 years' imprisonment, while other traffickers involved in the crime were convicted in the United States. The Mexico City Attorney General's Office convicted four trafficking offenders, whose sentences ranged from six to 12 years' imprisonment. Several states also prosecuted human trafficking cases; authorities in Puebla reported three convictions, while Chiapas reported two and Yucatan reported one, with sentences ranging between 10 and 14 years' imprisonment. This represents an increase from the previous year, when FEVIMTRA convicted one trafficker and Mexico City prosecutors achieved four convictions.

NGOs, members of the government, and other observers continued to report that trafficking-related corruption among public officials, especially local law enforcement, judicial, and immigration officials, was a significant concern. Some officials reportedly accepted or extorted bribes, including in the form of sexual services, falsified victims' identity documents, discouraged trafficking victims from reporting their crimes, solicited sex from trafficking victims, or failed to report child prostitution and other human trafficking activity in commercial sex locations. Puebla prosecutors reported investigating four officials for suspected trafficking crimes, but there were no reported prosecutions or convictions of public officials for trafficking complicity in 2011.

NGOs noted that some public officials in Mexico did not adequately distinguish between alien smuggling, prostitution, and human trafficking offenses and that many officials are not familiar with trafficking laws. They also reported that some officials threatened to prosecute trafficking victims as accomplices in order to force them to denounce their traffickers. Some federal government agencies provided their own employees with anti-trafficking training and cross-trained officials in other agencies, often in partnership with

NGOs, international organizations, and foreign governments, and FEVIMTRA reported training hundreds of officials on trafficking in 2011. The Mexican federal government continued to partner with the U.S. government on cross-border trafficking investigations.

Protection

The Mexican government carried out limited efforts to identify and assist trafficking victims in 2011, with the majority of services available only to female sex trafficking victims. The government continued to work in cooperation with NGOs, international organizations, and foreign governments to provide victim care, relying on these partners to operate or fund the bulk of specialized assistance and services for trafficking victims. Mexican immigration agents continued to implement a system for identifying potential trafficking victims and referring these victims to care providers, such as NGOs. Some NGOs, however, were critical of the government's ability to identify accurately trafficking victims, and most states lacked formal procedures for identifying trafficking victims among other vulnerable populations, such as migrant workers and people in prostitution. There were no comprehensive statistics available on the number of trafficking victims identified during the year; FEVIMTRA reported identifying 89 victims in 2011, while the National Institute for Migration (INM) reported identifying 29, and authorities in Baja, California and Mexico City identified 13 and 29 victims respectively. This represents a decrease from 2010, when authorities reported identifying at least 259 victims. INM and the National Human Rights Commission (CNDH) both had referral mechanisms for trafficking victims, though officials' ability to refer Mexican victims to care services varied in different parts of the country.

In September 2011, the president established a new agency, Proactiva, to assist victims of all crimes, and shifted funding and facilities from other government agencies, including FEVIMTRA, to support it. Proactiva provides medical and psychological support, as well as information and assistance during legal processes, through 14 help centers across the country, but does not provide shelter. Some interlocutors noted that the lack of clarity regarding the division of responsibilities between FEVIMTRA and Proactiva, as well as the lack of organizational structure within the new agency, could negatively impact the quality of services provided to trafficking victims. The lack of Proactiva centers in high-crime areas such as cities along the northern border hindered provision of services.

FEVIMTRA continued to operate a high-security shelter in Mexico City dedicated to female victims of sex trafficking and other violence including kidnapping, as well as women whose family members had disappeared or been murdered. Victims were not allowed to leave the shelter unaccompanied; according to the government, this was due to safety concerns. Some NGOs reported that the shelter housed victims for up to three months. This shelter coordinated medical, psychological, and legal services for 97 individuals during the year: it is unclear how many of these were trafficking victims. Mexico's social welfare agency maintained general shelters for children under the age of 13 who are victims of violence, though statistics were not maintained on how many trafficking victims were housed in these shelters during the reporting period. The government continued to support a national network of shelters and emergency attention centers for female victims of violence, but few of these shelters offered specialized care

for trafficking victims. Some victims received services at shelters that were operated and funded by NGOs, international organizations, and religious groups, and officials referred some victims to these shelters during the reporting period. According to NGOs, however, victim services in some regions of the country remained inadequate in light of the significant number of trafficking victims. Furthermore, some shelters for migrants and domestic abuse victims were reportedly reluctant to house trafficking victims due to fear of retribution from organized crime. Authorities arrested and opened an ongoing investigation of the director of a domestic violence shelter in Ciudad Juarez in October 2011 that had received some state funding. Authorities charged the director with human trafficking, illegal detention, and sexual abuse of women and girls reportedly held against their will in the shelter. The government did not provide adequate shelter services for male victims. Mexican consulates in the United States identified and assisted an unknown number of victims during the year, and authorities provided limited services to some repatriated Mexican trafficking victims.

Although authorities encouraged victims to assist in trafficking investigations and prosecutions, many victims in Mexico were afraid to identify themselves or seek legal remedies due to their fears of retribution from trafficking offenders or lack of trust in authorities. Some civil society groups reported that local authorities threatened to arrest victims as accomplices if they refused to testify against their traffickers. Traditionally, prosecutions of human trafficking offenders in Mexico have relied almost entirely on victim or witness testimony. Trafficking victims and witnesses continued to have little incentive to participate in the legal process, based on the limited numbers of trafficking convictions and sentences and on the fact that no trafficking victim was awarded compensation for damages. Furthermore, many victims feared for their safety, since the witness protection program in Mexico remained nascent and did not provide sufficient protection. Foreign trafficking victims could receive refugee status, and an INM directive required immigration officials to offer foreign victims the option to stay in the country, independent of any decision to testify against their traffickers. However, NGOs and international organizations reported these legal alternatives to deportation were often not provided in practice; they noted that some officials handed identified victims over to INM for deportation due to their lack of legal status or that victims were not identified as such and housed in INM detention centers and subsequently deported. Many foreign trafficking victims opted to return to their countries of origin after giving testimony, in some cases due to a lack of adequate shelter or information about their rights. INM reported that 11 victims that they identified in 2011 received legal residency in Mexico, while 13 were repatriated and five cases were ongoing. However, it was unclear how many of the 98 foreign victims identified by INM and FEVIMTRA in 2010 – whose application for residency remained pending in early 2011 – were allowed to remain in the country.

Prevention

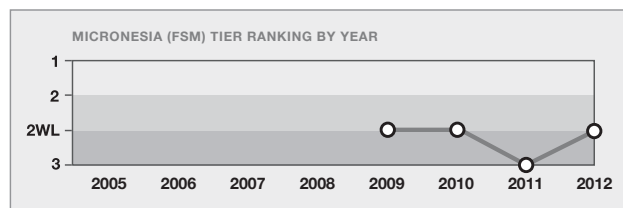
Federal and state governments sustained trafficking prevention efforts last year. An inter-agency commission on trafficking coordinated federal government efforts. The commission was responsible for implementing the National Program to Prevent and Combat Trafficking; the government reduced the budget for the National Program to Prevent and Combat Trafficking to the equivalent of \$313,000 from the equivalent of \$4.2 million

for budgetary reasons. NGOs and international organizations criticized authorities for the reduction and lamented the lack of information on the program's implementation. The government engaged in a variety of awareness-raising activities using radio and television commercials, as well as other multimedia efforts. Some states established or maintained state-level anti-trafficking committees. CNDH also maintained regional partnerships with NGO and government actors in 13 states, and reported training over 20,000 individuals on trafficking in 2011, including officials, tourism operators, and transportation companies. Authorities raised awareness of child sex tourism and reported investigating some cases; however, the government reported no prosecutions or convictions of child sex tourists, and some NGOs alleged that some corrupt local officials allowed commercial sexual exploitation of children to occur. There were no reported efforts to reduce the demand for forced labor or to punish labor recruiters or brokers complicit in human trafficking.

MICRONESIA, FEDERATED STATES OF (Tier 2 Watch List)

The Federated States of Micronesia (FSM) is a source and, to a limited extent, a destination country for women subjected to sex trafficking. Some reports suggest FSM women are recruited with promises of well-paying jobs in the United States and its territories and are subsequently forced into prostitution or labor upon arrival. The most vulnerable groups of persons at risk for sex trafficking in FSM include foreign migrant workers and FSM women and girls. Pohnpei State Police have reported the prostitution of FSM and foreign women and children to crew members on fishing vessels in FSM, or in its territorial waters. Some Micronesians allegedly transport women and girls to the fishing vessels and are involved in their prostitution in restaurants and clubs frequented by fishermen. Other vulnerable groups include FSM nationals who travel to the United States. In addition, the Transnational Crime Unit (TCU) has received and investigated labor trafficking complaints from foreign nationals on fishing boats for lack of payment and inhuman treatment. Data on the prevalence of human trafficking in the FSM is not available, as the government does not collect and maintain crime data, nor has it conducted any studies or surveys on human trafficking.

The Government of the Federated States of Micronesia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Because the assessment of these significant efforts is based in part on the government's commitment of future actions, FSM is placed on Tier 2 Watch List. During the current reporting year, the FSM acceded to the 2000 UN TIP Protocol, and the FSM congress passed new legislation that revised the country's criminal code to include anti-trafficking provisions. However, the Government of the FSM did not prosecute any trafficking cases, made no efforts to identify or assist victims of trafficking, and failed to make substantive efforts to prevent trafficking or increase the general public's awareness of trafficking in 2011.



Recommendations for the Federated States of Micronesia:

Publicly recognize and condemn all acts of trafficking; make robust efforts to criminally investigate, prosecute, and punish all trafficking offenders; develop and implement procedures for the proactive identification of trafficking victims among vulnerable populations, such as foreign workers in the FSM, fishermen on fishing vessels, women and girls in prostitution, and FSM nationals migrating to the United States for work; establish measures to ensure that victims of trafficking are not threatened or otherwise punished for crimes committed as a direct result of being trafficked; train officials on human trafficking and how to identify and assist trafficking victims; support and facilitate comprehensive and visible anti-trafficking awareness campaigns directed at employers of foreign workers and clients of the sex trade; make efforts to notify foreign workers of their rights, protections, and ways they can report abuse; establish a registration system for overseas employment recruiters as agreed to in the Compact of Free Association as Amended (2004); initiate monitoring mechanisms for recruitment agencies both domestically and abroad; investigate and prosecute recruiters who may be engaged in fraudulent recruitment acts that lead to trafficking in persons; and develop a national plan of action for anti-trafficking matters.

Prosecution

The Government of the Federated States of Micronesia demonstrated modest progress in its anti-trafficking law enforcement efforts during the reporting period. During the reporting period, the FSM congress drafted and passed anti-trafficking legislation that prohibits all forms of trafficking in persons, and acceded to the 2000 UN TIP Protocol. The newly enacted legislation prescribes penalties of 15 to 30 years' imprisonment and fines not exceeding \$50,000, which are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. While there were limited investigations of entertainment sites suspected of involvement in sex trafficking, authorities did not report any prosecutions, or convictions for trafficking crimes. The government did not cooperate with any international organizations or NGOs to offer anti-trafficking training and support to government officials during the reporting period. During the year, there were no investigations, prosecutions, convictions, or sentences of government employees complicit in human trafficking.

Protection

The FSM government's efforts to identify and protect trafficking victims during the reporting period remained inadequate. FSM has never identified a trafficking victim within the country and does not have a proactive system in place to identify victims of trafficking systematically among vulnerable groups, such as foreign workers and women and children in prostitution. In addition, the FSM government made no efforts to identify,

protect, or refer trafficking victims to services during the reporting period; no NGOs provided services to any trafficking victims. The government reported that any identified victims would have access to the very limited social services and legal assistance provided to victims of any crime. Although victims have the legal right to bring personal injury civil suits against traffickers, because no victims have ever been identified, no suits have ever been filed. FSM officials did not provide legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution.

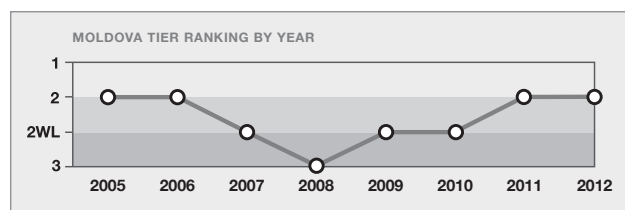
Prevention

The FSM government did not substantially expand efforts to prevent trafficking or increase the general public's awareness of trafficking during the reporting year. Two members of the FSM congress made several outreach presentations over the course of 10 days within Yap, Chuuk, and various outer islands in order to promulgate awareness of trafficking and immigration issues. However, the government did not conduct or support any other informational or educational campaigns solely about human trafficking and the prevention thereof. Also, FSM officials did not develop or implement any monitoring or enforcement measures to govern the activities of labor recruiters and brokers. Government entities did not develop or disseminate campaigns aimed at reducing the demand for commercial sex acts and child prostitution, nor were specific populations targeted. The FSM government did not draft a national action plan against trafficking in persons and sufficient resources were not designated to this regard.

MOLDOVA (Tier 2)

Moldova is a source and, to a lesser extent, a transit and destination country for women and girls subjected to sex trafficking, and for men, women, and children subjected to conditions of forced labor. Moldovan women are subjected to forced prostitution in Turkey, Russia, Cyprus, the United Arab Emirates (UAE), Bulgaria, Kosovo, Israel, Indonesia, Malaysia, Lebanon, Italy, Greece, Ukraine, the Czech Republic, Romania, Poland, Slovenia, Spain, Tajikistan, and Ukraine. Men, women, and children are subjected to conditions of forced labor in Russia, Ukraine, Turkey, UAE, Israel, Greece, and the United States in the construction, agriculture, and service sectors. Men, women, and children are also subjected to conditions of forced labor and sexual exploitation in Slovenia, Spain, the Netherlands, and Ukraine. Children from Moldova are subjected to conditions of forced begging in some neighboring countries. Victims of forced prostitution found in Chisinau include Ukrainian women and Moldovan girls and women from rural areas. Moldovan men and women are subjected to forced labor in Moldova. Moldovan victims of trafficking have been subjected to re-trafficking after their return to Moldova from foreign countries. Victims from Moldova are often recruited by individuals they trust. In the past several years, there have been reported incidents of men from the United States, the United Kingdom, Germany, Italy, Greece, Norway, and possibly Turkey traveling to Moldova for the purpose of child sex tourism. The small breakaway region of Transnistria in eastern Moldova is outside the central government's control and remained a source for victims of both forced labor and forced prostitution.

The Government of Moldova does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government has made progress over the past year in addressing the protection of victims and the prevention of trafficking. Specifically, it increased the participation of NGOs in law enforcement investigations and made special provisions to protect child trafficking victims. The government also increased funding to its primary shelter and offered services to victims with physical and mental disabilities. The government expanded its national referral system (NRS), a program lauded by NGOs and viewed as a model for other countries in the region. In addition, the government raised awareness through high-level attention to the issue and numerous public campaigns. Law enforcement started to investigate and prosecute forced labor crimes. However, the government did not show sufficient progress in addressing widespread complicity in trafficking by law enforcement and other public officials. Reports of widespread corruption in the police and judicial system persisted and no officials were convicted for trafficking-related offenses. Furthermore, despite increased prosecutions in comparison to the previous year, the number of convictions declined and the proportion of convicted offenders receiving prison sentences declined as well. The government provided inadequate witness protections for some victims waiting to testify in court.



Recommendations for Moldova: Demonstrate vigorous efforts to investigate, prosecute, and convict government officials complicit in trafficking, and seek criminal prosecution and conviction of any guilty officials; ensure that convicted trafficking offenders serve time in prison; increase investigation, prosecution, and conviction of labor trafficking offenses; train investigators, prosecutors, and judges in applying human trafficking laws to forced labor cases; increase the number of prosecutors assigned to the anti-trafficking section of the Prosecutor General's Office; further improve child trafficking victim protection by continuing to encourage law enforcement officials, in both urban and rural areas, to consult with NGO experts during the victim interview process; increase the safety of victims prior to testifying by increasing security at shelters, decreasing delays in court hearings, increasing prosecutions of witness tampering, and relocating witnesses when warranted; improve victims' awareness of and ability to obtain restitution from trafficking offenders; clarify the rules and procedure for the provision of residence permits to trafficking victims; reinstitute inspections of regional national referral commissions and revitalize inactive ones; continue to improve cooperation between local anti-trafficking civil society groups and local law enforcement; continue efforts to provide anti-trafficking training to law enforcement and other government officials, including members of the judiciary; and use measures to reduce the demand for commercial sex, such as conducting awareness activities that target potential consumers of prostitution.

Prosecution

The Government of Moldova demonstrated inadequate anti-trafficking law enforcement efforts during the reporting period. Of particular concern, it demonstrated inadequate efforts to prosecute, convict, or criminally punish government employees complicit in human trafficking. The government prohibits all forms of trafficking through articles 165 and 206 of its criminal code, which prescribe penalties of five to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. An NGO reported that Moldovan prosecutors frequently reclassified cases of labor trafficking from articles 165 and 206 to article 168, which also criminalizes forced labor. Article 168, however, prescribes lighter penalties of a maximum of only three years' imprisonment and the possibility of probation or dismissal of the case if the parties achieve reconciliation. Regional investigators, also lacking familiarity with trafficking laws, frequently applied the more lenient forced labor law to labor trafficking cases. The government reported 135 trafficking investigations in 2011, down from 161 reported in 2010. Authorities reported prosecuting 79 suspected trafficking offenders in 2011, an increase from 66 suspected offenders in 2010. However, the government convicted only 22 trafficking offenders in 2011, reflecting a significant decrease from the 47 trafficking offenders convicted in 2010. The government reported that approximately one-quarter of its prosecutions in late 2011 and early 2012 were labor trafficking cases, a notable increase from 2010 when the government had no labor trafficking prosecutions or convictions. Moreover, the government convicted one individual for forced labor in July 2011, although the court suspended the convicted offender's sentence. In 2011, the Moldovan government indicted five suspects involved in a child sex tourism ring uncovered in 2010.

Despite promises to establish a national trafficking statistics database, the government has made little progress in doing so. While Moldovan law provides explicit sentencing guidelines for traffickers, which are consistent with international standards, the judiciary often applies sentences that do not correspond with the severity of the crime, and traffickers have regularly escaped with fines or suspended prison terms. In 2011, 10 out of 22 convicted offenders were prescribed prison sentences, which ranged from four years and eight months to 11 years' imprisonment. The remaining 12 convicted offenders received suspended sentences or paid a fine and did not serve time in prison. Multiple individuals convicted of trafficking in previous years were acquitted on appeal in 2011, at times without the court issuing a written opinion explaining its decision. The government continued to assign five prosecutors to focus solely on investigating and prosecuting trafficking cases. The government provided anti-trafficking training in the police academy curriculum that is mandatory for police officers and investigators; it also held two anti-trafficking trainings for more than 50 judges and prosecutors. During 2011, law enforcement officials worked with counterparts in Greece, Spain, Russia, Poland, Romania, and Ukraine to investigate transnational cases of human trafficking.

Government complicity in human trafficking remained a significant concern and no government officials were convicted for trafficking-related complicity in 2011. The government is currently prosecuting two high-level government officials for trafficking-related complicity, an increase from last year when there were no prosecutions against public officials.

However, the Government of Moldova has provided very limited information on other cases against public officials moving from investigation to trial. Some anti-trafficking experts noted concerns of complicity in human trafficking cases within the judicial branch. For example, NGOs have reported judges giving reduced sentences in exchange for monetary bribes, as well as judges supporting certain political parties in exchange for political protection. Due to low resources for victim protection and endemic delays in court hearings, victims often receive threats or bribes to change their stories. The OSCE also reported that trafficking offenders had threatened some victims' lawyers.

Protection

Moldova made modest progress in improving its efforts to ensure that victims of trafficking received access to protections during the reporting period. The government and IOM, which worked together in implementing the NRS, identified 98 victims in 2011, compared to 139 in 2010. This represents a three-fold reduction in the number of victims identified by IOM and the government since 2006. The NRS expanded to four more regions in 2011 and now covers all 32 regions in the country. Each region has a multidisciplinary team composed of representatives from the police, NGOs, and care providers that is tasked with identifying and assisting trafficking victims and persons vulnerable to trafficking. In 2011, the government allocated the equivalent of \$67,000 to a primary shelter operated jointly by the government and IOM for repatriated and internal adult and child victims of trafficking, compared with the equivalent of \$48,000 in 2010. The shelter provided temporary shelter, legal and medical assistance, psychological counseling, and vocational training to 67 trafficking victims in 2011. Victims are not detained in the shelter; they are permitted to freely enter and leave. The national government provided the equivalent of an additional \$154,947 to four regional rehabilitation centers that provided trafficking victims with long-term assistance. The government provided cash benefits to 65 victims in 2011, up from 63 in 2010. Increasingly, local governments also provided assistance to trafficking victims and people vulnerable to trafficking through limited funding, specialized personnel, and rent-free facilities and utilities given to NGOs and shelters. For instance, the city of Balti allocated the equivalent of over \$45,155 to a crisis center that provides care to a variety of people in need, including victims of trafficking. The Department for Victim and Witness Protection reported that it accommodated three trafficking victims in its program.

The government encouraged all victims to assist law enforcement with trafficking investigations and prosecutions, and did not make assistance contingent upon their cooperation; however, a draft amendment to the Law on Foreigners would require foreign victims in Moldova to participate in the criminal case as a precondition to receiving a residence permit. Although general mistrust of the police remained high, 131 victims cooperated with law enforcement in 2011, compared with 169 victims in 2010. Moldovan law enforcement demonstrated efforts to protect and assist child victims of trafficking by more consistently involving NGO service providers early in the investigative process and adopting victim-centered interview techniques. For example, a NGO said that its "children's room" was used by Moldovan police to interview 24 child trafficking victims in the presence of an NGO psychologist. According to IOM, 11 trafficking victims with physical and mental disabilities were assisted in 2011, and the government

provided to care facilities with all of the necessary equipment for victims with special needs. The government also provided training for border guards to identify potential victims, though border guards reportedly identified 29 potential victims of trafficking in 2011, down from 83 victims in 2010.

Prevention

The government increased its efforts to prevent human trafficking during the reporting period. The majority of outreach and trafficking awareness efforts by the government were conducted in close coordination with NGOs at the national and regional levels. The government also raised public awareness of trafficking through visible high-level attention and media interaction on the issue. NRS commissions set up at the regional level usually met on a regular basis to deal with trafficking issues, including organizing public awareness events. The OSCE praised this system's structure for its role in preventing trafficking and assisting identified victims. The Ministry of Labor, Social Protection, and Family trained 185 members of these regional commissions in 2011; however, after inspecting 16 regions in 2010, the ministry conducted no inspections in 2011. Moldovan government officials shared best practices with a number of regional neighbors through bilateral meetings, conferences, and trainings. In 2011, the Center for Combating Trafficking in Persons organized 30 workshops in high schools, vocational schools, and universities to raise awareness about trafficking. The Ministry of Education facilitated an anti-trafficking conference attended by 300 students, a roundtable on prevention for 70 vocational schools, and three different classes on trafficking, collectively attended by 750 students. Local governments advertised the existence of victim hotlines. The government's national action plan concluded in 2011, but the National Committee for Combating Trafficking in Persons is currently analyzing its results and developing a new plan that will launch in spring 2012. The government did not undertake steps to reduce the demand for commercial sex acts. In March 2012, the government announced it would implement a code of conduct for businesses in its tourist industry, compelling them to notify travelers of Moldova's laws against the sexual exploitation of children.

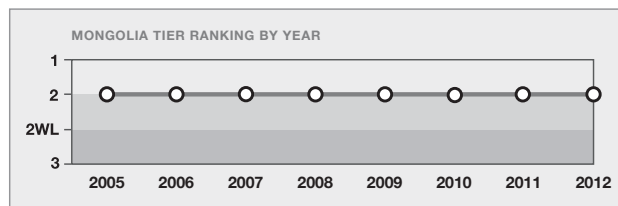
MONGOLIA (Tier 2)

Mongolia is a source, transit, and destination country for men, women, and children who are subjected to sex trafficking and forced labor. Mongolian men, women, and children are found in forced labor and forced prostitution in China, Malaysia, and Singapore. Mongolian women and girls are found in forced prostitution in Macau, Hong Kong, and South Korea. China was the primary source of repatriated Mongolian victims. Mongolian men and women are found in conditions of forced labor in Turkey, Kazakhstan, the Czech Republic, and Poland. Mongolia is used as a transit point *en route* to other destinations in Northeast Asia for forced prostitution and forced labor originating in China and Russia. There were reports of a significant increase in the number of forced labor and forced prostitution cases involving Mongolian labor migrants in Turkey. Singapore has become a destination for Mongolian sex trafficking victims as well as a base of operations for recruiters of illegal Filipino domestic labor to Mongolia. Mongolian women continue to be subjected to involuntary servitude upon engaging in brokered marriages, often to South Korean

men. Women and girls are subjected to forced prostitution in massage parlors, and girls remained vulnerable to forced prostitution in hotels, bars, karaoke clubs, and at mining sites in Mongolia. Young girls are sent to foreign countries to serve as contortionists in circuses, where they may become victims of forced labor. Some Mongolian children are forced to beg or labor in the informal construction, mining, and industrial sectors. There is continued evidence of Chinese laborers in the mining and construction industries being expelled from Mongolia for visa violations without being compensated for their work. Approximately 2,000 North Koreans are employed in Mongolia as contract laborers, more than quadruple the number reported the previous year. This increase occurred despite well-documented concerns that North Korean workers overseas are not free to leave their employment and receive only a fraction of the money paid to the North Korean government for their work.

Mongolian authorities reported that human trafficking cases were more prevalent during the reporting period and recruitment for forced prostitution has become more sophisticated to avoid detection by police. Whereas in the past trafficking perpetrators would place fraudulent ads in newspapers or on television, traffickers are increasingly using social networking sites and online advertisements. Anecdotal reports continue to indicate that South Korean and Japanese tourists engage in child sex tourism in Mongolia.

The Government of Mongolia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In January 2012, the government passed the Law on Combating Human Trafficking, which provides provisions for coordination among agencies on human trafficking and clearly prohibits all forms of trafficking in persons under a single, comprehensive law. To date, the government has not recognized forced labor as a problem and no forced labor cases have ever been prosecuted, despite the fact that Mongolia repatriated forced labor victims in 2010 and 2011. The Criminal Police Department and the State Investigation Department stated that, even when forced labor cases were reported, they were not referred for further criminal investigation. In October 2011, the government passed the National Program for the Elimination of the Worst Forms of Child Labor. However, the government did not dedicate funding towards enacting the initiatives listed in the program, as it hopes to contract with NGOs for specific services and pool funding across agencies to achieve program goals. Funding remained a serious constraint to implementing both the trafficking prevention council and the National Program for the Elimination of the Worst Forms of Child Labor. The entire government budget for crime victim protection services was the equivalent of \$16,000 in 2011. Government corruption remained endemic, and turnover among prosecutors, judges, and law enforcement officers resulted in a new cadre of officials that have little to no experience or training in combating human trafficking. The government conducted a number of training programs for police officers on human trafficking issues and investigations.



Recommendations for Mongolia: Establish formal procedures to guide government officials in victim identification and referral of victims to protective services; cease increases in the employment of North Korean laborers; train law enforcement officials, judges, and members of the government on trafficking and how to effectively implement the new 2012 law; allocate government funds or seek international funding to support activities of the Trafficking Prevention Council and the National Program for the Elimination of Child Labor; cease prosecuting trafficking victims for crimes committed as a result of being trafficked; undertake victim identification efforts among vulnerable populations, such as foreign migrants and children; and commence serious efforts to investigate and prosecute labor trafficking cases, including those involving foreign workers.

Prosecution

The Government of Mongolia made significant anti-trafficking law enforcement efforts during the reporting period. In January 2012, the Mongolian government passed the Law on Combating Human Trafficking, a comprehensive anti-trafficking law that more rigorously defines trafficking to include forced prostitution and prostitution of minors and mandates coordination among agencies involved in anti-trafficking efforts. Mongolia prohibits all forms of human trafficking through Article 113 of its criminal code, which, with the passage of the 2012 Law on Combating Human Trafficking, now clearly covers forced prostitution and prostitution of minors in addition to all other forms of trafficking. Article 115 of the criminal code previously covered prostitution of minors; these provisions were incorporated into Article 113 to aid law enforcement authorities in investigating and prosecuting trafficking-related crimes through a single, comprehensive anti-trafficking law. The law prescribes penalties that are sufficiently stringent – with up to 15 years' imprisonment – and commensurate with penalties prescribed for other serious offenses, such as rape. During the reporting period, the government investigated 15 forced prostitution cases and obtained nine convictions. The government tried and convicted one case of forced prostitution of a minor. The government conducted no forced labor investigations and obtained no forced labor convictions. However, 2011 saw the first conviction of a trafficker of young female contortionists for circus performances. Article 113 was not used to convict the perpetrator, who was sentenced to 5.5 years' imprisonment under a torture and grievous bodily harm statute. Although the case was not prosecuted under forced labor statutes, anti-trafficking organizations in the country viewed the case as a positive development. Previously, traffickers of young contortionists had not been prosecuted in Mongolia. Corruption among law enforcement personnel remains a significant problem in the country and a barrier to anti-trafficking progress. The government did not investigate or take disciplinary actions against law enforcement officers involved in trafficking-related corruption. Despite having an extremely

limited budget, the Criminal Police Department's Organized Crime Division held several training programs on trafficking investigations for local police forces. The Ulaanbaatar City mayor's office also provided the equivalent of approximately \$1,600 to train 30 prosecutors on China-Mongolia trafficking issues in September 2011.

Protection

The Government of Mongolia made progress in its efforts to protect victims of trafficking during the year. The government did not employ systematic procedures for the proactive identification of trafficking victims, although authorities identified 52 victims of forced prostitution during the reporting period, and an additional 21 victims were repatriated from other countries. Authorities did not formally identify any victims of forced labor. In one case, the Mongolian Embassy in China repatriated a mentally disabled minor to Mongolia, as authorities believed he had been sent to China for organ harvesting. Because the Mongolian government had no funding for the repatriation of victims, its embassy in Beijing paid repatriation expenses out of its own budget. Donor-funded NGOs provided many protective services for trafficking victims, both male and female, and the Ministry for Social Welfare and Labor funded a shelter dedicated to assisting female trafficking victims. During the reporting period, the shelter assisted 37 trafficking victims. The government funded several other shelters aimed primarily at assisting domestic violence victims; an unknown number of trafficking victims utilized those shelters during the reporting period. In January 2011, a government resolution decreed that the state budget would be used to assist and compensate Mongolian victims of trafficking abroad. However, the government has not assisted any victims using this provision to date, and there were no discernible mechanisms to provide restitution to repatriated Mongolian trafficking victims during the reporting period. The government did not provide foreign victims with legal alternatives to repatriation in cases where repatriation would constitute a significant risk of hardship, torture, or death. Victims continued to be punished for unlawful acts committed as a direct result of their being trafficked, including children in prostitution being arrested, detained, and prosecuted. Foreign trafficking victims in Mongolia were also fined for violating visa terms, as their traffickers were not identified by the government in a timely manner. Intimidation of trafficking victims and witnesses remained a major problem.

Prevention

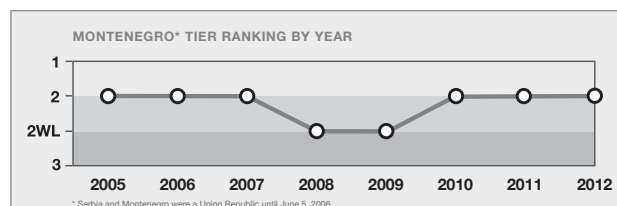
The Government of Mongolia made almost no effort to prevent trafficking during the reporting period. The government did not conduct any public education campaigns to combat trafficking, although it did host a number of training programs for law enforcement officials. The government introduced a National Plan of Action on Commercial Sexual Exploitation and Trafficking of Women and Children in 2006, which has been implemented to a limited extent. The new law mandates the creation of the trafficking prevention council to streamline government efforts to prevent human trafficking. At the end of the reporting period, the trafficking prevention council had not convened. The law also established fines and administrative penalties for trafficking-related advertisements on television and the Internet. The government convened an interagency council to coordinate the government's anti-trafficking efforts, which met four times during 2011, and it convened an NGO working group on trafficking. The government did not take any

measures during the reporting period to reduce the demand for commercial sex acts or to address the problem of child sex tourism in the country.

MONTENEGRO (Tier 2)

Montenegro is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Trafficking victims are mostly women and girls from Eastern Europe and other Balkan countries, including Serbia and Kosovo, who migrate or are smuggled through the country *en route* to Western Europe and are subjected to sex trafficking in Montenegro. Children, many of whom are Roma, are coerced by their family members into street begging in Montenegro; many of these children come from Kosovo, Serbia, or from within Montenegro. There have been reports that Roma girls from Montenegro, who are often forced into domestic servitude, have been sold into servile marriages in Roma communities in Switzerland and Germany. *De facto* stateless individuals were vulnerable to trafficking in persons. While there were no reports of labor trafficking during the year, in prior years, there were reports that mainly foreign men and boys were subjected to forced labor in Montenegro's growing construction industry. Montenegrin women and girls are vulnerable to sex trafficking in other Balkan countries, including Serbia. NGOs reported that Roma teenagers in Montenegro were engaged in prostitution, some of which was allegedly sex trafficking.

The Government of Montenegro does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government's efforts to address trafficking in persons have been undermined by its officials' position that trafficking did not exist as a prevalent phenomenon in Montenegro, but rather in isolated cases. At the same time, the government identified human trafficking as an important policy issue and its anti-trafficking prevention activities were robust and diverse. The government proactively identified only one trafficking victim during the year. This number is low, despite the government having conducted large-scale operations to suppress child begging and received NGO referrals. The government did not initiate the prosecution of any trafficking offenders during the year. NGOs reported that the government did not take protective action on occasions when potential victims were brought to the centers for social work. Nevertheless, the governments did provide care to more trafficking victims than during the previous year. The court achieved convictions in a high-profile sex trafficking case, including convicting, among others, three police officers for complicity in alleged human trafficking. The government took some efforts to address forced begging, including conducting a study of children involved in begging to assess their demographics and vulnerability.



Recommendations for Montenegro: Improve efforts to proactively identify more potential victims among vulnerable

groups, such as Roma children involved in prostitution, women arrested for prostitution violations, undocumented migrants, refugees and displaced persons – particularly Roma – and child beggars, and refer them to the government shelter or NGO service providers; improve outreach to Roma communities to ensure prevention of trafficking and effective victim identification; ensure that all state institutions responsible for the care of trafficking victims implement their memorandum of understanding defined roles; enhance training and engagement of the centers for social work on trafficking victim assessment and care; vigorously investigate and aggressively prosecute sex trafficking and labor trafficking crimes, enhance judicial understanding of trafficking offenses, and convict and sentence trafficking offenders, including public officials complicit in trafficking; continue to ensure that the rights of trafficking victims are respected while victims are given care in shelters, including the right to free movement; adopt a public stance toward trafficking in persons that acknowledges trafficking in persons in the country; improve protections for potential victim witnesses to empower more victims to testify against their traffickers; and improve specific protections for child victims of trafficking, ensuring that the best interests of potential trafficking victims guide their care.

Prosecution

The Government of Montenegro made no reported progress during the reporting period in prosecuting new cases of trafficking offenses, although it achieved convictions in cases from previous years. Montenegro prohibits sex and labor trafficking through Article 444 of its criminal code, which prescribes penalties of up to 10 years' imprisonment for violations and 12 years' imprisonment for offenses involving aggravated circumstances; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, the government investigated only three trafficking cases. It failed to initiate new prosecutions of any trafficking offenders, in contrast to the 22 alleged trafficking offenders prosecuted in 2010. However, the government convicted 14 trafficking offenders during the year from earlier cases. In one of these cases, eight defendants were convicted of sexual exploitation and organized crime. In 2010, 12 trafficking offenders were convicted and received sentences of between 12 months' and six years' imprisonment. While the trial court initially acquitted the defendants of trafficking charges and convicted them on charges related to forced organized prostitution and criminal association, the appellate court reinstated the trafficking charges and returned the case to the trial court. Among those convicted were three police officers who had transported young women, including trafficking victims, for the purpose of prostitution and served as security guards for the strip clubs. They were convicted for failing to report the prostitution although they were aware of it. Despite conducting investigations of the organized begging of children, authorities did not prosecute any trafficking cases for forced begging. Authorities did, however, charge 11 adults with organizing the begging by children. The government did not provide any specialized anti-trafficking training for prosecutors, police officers, judges, or other investigators this year, although anti-trafficking training remained a mandatory subject for all new police trainees. Montenegrin authorities collaborated with their Serbian law enforcement counterparts to investigate trafficking offenses.

Protection

The government displayed mixed trafficking victim protection efforts during the reporting period and needs to improve the implementation of victim identification procedures. During the year, the government proactively identified one victim of trafficking in Montenegro and a foreign government identified and repatriated two victims to Montenegro. The Montenegrin government provided care to a greater number of trafficking victims than in the prior reporting period. The national coordinator fully funded an NGO shelter, providing the equivalent of \$52,224 for a range of services, including housing, medical, and psychological care to trafficking victims. During the previous year, the government provided the equivalent of \$152,000. The drop in funding was attributed to a change in the funding structure, which resulted in the operational costs of the shelter being covered directly under the budget of the Ministry of Internal Affairs. The government also provided the equivalent of eight dollars per day for each victim who received care at the shelter. The government-funded shelter was a closed shelter. The government takes the position that, for their protection, victims may leave only if accompanied by chaperones. The government cared for three trafficking victims during the reporting period, an increase from the one victim who received care at the shelter the previous year. Two victims who were initially identified by a foreign government received care from Montenegrin authorities, who collaborated with NGOs in their repatriation and provided a medical evaluation, shelter, and psychological assistance. NGOs observed that government officials still lacked skill in proactive victim identification. Despite conducting large-scale police operations to suppress child begging, the government again failed to identify any trafficking victims among child beggars discovered during these operations. In addition, NGOs claimed that, when they brought potential Roma child trafficking victims to the attention of the centers for social work, the government-run centers did not take any action. NGOs alleged that some of the government actors obligated to care for victims, such as the health services, did not provide expedient care. Montenegro's Law on Foreigners allows victims of trafficking to receive a temporary residence permit in the country lasting between three months and one year, although no victims received such a permit during the reporting period. NGOs reported that trafficking victims were not prosecuted for unlawful acts compelled as a direct result of their trafficking. Under a government program, authorities encouraged victims to participate in the investigation and prosecution of human trafficking cases by providing free legal aid and enabling NGOs to attend all interviews with the police. All victims gave statements to the police. Nevertheless, in practice few victims of trafficking participated in the prosecution of their traffickers, and victims often changed their statements about alleged trafficking offenders out of fear of reprisal. A high-profile civil case was resolved during the year with the dismissal of a lawsuit filed by a former government official against a trafficking victim.

Prevention

The Government of Montenegro improved its anti-trafficking prevention activities during the year. In May 2011, authorities conducted a survey of children begging in the street to determine their demographics and vulnerability to trafficking. The government also began a campaign to dissuade people from giving money to children engaged in begging entitled "Let's Teach Them Something New." The government launched

an anti-trafficking campaign in all tourist centers, distributing flyers, posters, and other advertising materials. The government provided an NGO the equivalent of more than \$7,000 for a human trafficking prevention project, "Stop Human Trafficking." In coordination with UNICEF, the government organized anti-trafficking training programs for 60 primary and secondary school teachers in November and December 2011. The government also produced an anti-trafficking text book and leaflets and continued to maintain a hotline and an anti-trafficking website. The government marked European Anti-Trafficking day in October by organizing several events for students in all primary and secondary schools in the country. The government broadcast an anti-trafficking prevention spot to promote the anti-trafficking hotline on television. Authorities investigated nightclubs suspected of providing illicit sexual services but, aside from attempts to address sex trafficking, did not make efforts to reduce the demand for commercial sex acts. The government collaborated with hotels on a code of conduct for protection of children from sexual exploitation in travel and tourism to prevent child sex tourism. The government collaborated with NGOs to develop a new anti-trafficking action plan for 2012-18. The Montenegrin government provided anti-trafficking training to its military personnel prior to their deployment abroad for international peacekeeping missions.

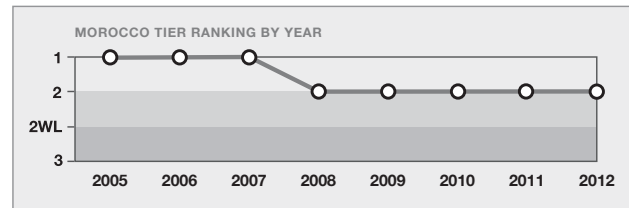
MOROCCO (Tier 2)

Morocco is a source, destination, and transit country for men, women, and children who are subjected to forced labor and sex trafficking. Some Moroccan girls as young as six or seven years old from rural areas are recruited to work as child maids in cities and often experience conditions of forced labor, such as nonpayment of wages, threats, and physical or sexual abuse, and restrictions on movement; however, due to greater sensitization of the issue, the incidence of child maids has decreased dramatically from 1999 to 2010. Some Moroccan boys experience forced labor as apprentices in the artisan and construction industries and in mechanic shops. Men, women, and an increasing number of children primarily from sub-Saharan Africa and South Asia enter Morocco voluntarily but illegally with the assistance of smugglers; once in Morocco, some of the women and older girls are coerced into prostitution or, less frequently, forced into domestic service. Some female migrants in Oujda, particularly Nigerians, were forced into prostitution once they reached Europe. Sometimes, female migrants are transported to other cities, including Casablanca, and then sold into prostitution networks. There is some sex tourism by foreigners in major cities in Morocco.

Moroccan men, women, and children are exploited for forced labor and sex trafficking in European and Middle Eastern countries. Moroccan women are forced into prostitution in Gulf States (including the United Arab Emirates and Bahrain), Jordan, Libya, Syria, and European countries; some of them experience restrictions on movement, threats, and emotional and physical abuse. Some Moroccan men reportedly are promised jobs in the Gulf but experience confiscation of their passports and are coerced into debt bondage after arrival. A few Moroccan men and boys are lured to Europe by fraudulent job offers and are subsequently forced to sell drugs.

The Government of Morocco does not comply with the minimum standards for the elimination of trafficking; however,

it is making efforts to do so. The government continued offering protective services to Moroccan children and adults who may have been trafficked, though it failed to make overall progress in convicting and adequately punishing trafficking offenders, proactively identifying trafficking victims among vulnerable groups, or ensuring that adult male foreign trafficking victims are not subject to arrest and deportation. Moreover, the government did not address the forced prostitution and forced labor of undocumented migrants in Morocco, and continues to conflate migrant smuggling with human trafficking. Despite repeated recommendations in this Report, the Moroccan government has not developed an effective system to collect and report anti-trafficking law enforcement data, which continues to prevent the government from providing trafficking-related investigation, prosecution, conviction, and sentence information in a timely manner.



Recommendations for Morocco: Draft and enact comprehensive anti-trafficking legislation that prohibits all forms of trafficking and increases prescribed penalties for forced labor; enact draft legislation addressing domestic workers, and fully implement Decree no. 1-11-164 concerning the protection of crime victims and witnesses; significantly increase investigations, prosecutions, and convictions of trafficking offenders, including convictions with more stringent penalties, for all forms of trafficking; institute a victim identification mechanism; ensure that identified victims are not punished for acts committed as a direct result of being trafficked; encourage victims to participate in investigations against their traffickers, including by offering relief from deportation; initiate law enforcement activities with destination countries to prosecute those who force Moroccans into labor and prostitution overseas; improve child protection units by providing more human resources, improving management, and collaborating with various ministries; continue to train judges, prosecutors, and law enforcement on the characteristics of all forms of human trafficking; improve data collection and reporting, including the disaggregation of data between human trafficking and people smuggling; ensure that potential trafficking victims do not suffer physical abuse at the hands of Moroccan police; and conduct public awareness campaigns, addressing all forms of trafficking and encompassing child sex tourism.

Prosecution

The Government of Morocco made little progress in its law enforcement response to human trafficking during the reporting period. Morocco lacks a single comprehensive anti-trafficking law. Morocco's penal code prohibits forced child labor through Article 467, and forced prostitution and child prostitution through articles 497-499; Article 10 of Morocco's labor code prohibits forced labor of a worker. Penalties prescribed by these various statutes for sex trafficking offenses are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In contrast, penalties prescribed for labor trafficking offenses

do not appear to be sufficiently stringent; penalties for child labor under Article 467 range from one to three years' imprisonment. The government's most recent statistics from 2011 are not specific to trafficking, but rather cover a wide array of offenses that may include human trafficking. The government reported there were 38 cases of exploitation of children to beg, 10 cases of exploitation of children related to drugs, and 55 cases of facilitating the prostitution of a minor. It is unclear, however, how many of these cases constituted human trafficking offenses. The government did not report sentencing information. Despite repeated recommendations, the government has not developed an effective system to collect and report anti-trafficking law enforcement data, which continues to prevent the government from providing trafficking investigation, prosecution, conviction, and sentencing information in a timely manner.

The government continued to provide and fund a variety of trafficking training to law enforcement and judicial officials in 2011. The Ministry of Justice (MOJ) provided anti-trafficking training for 1,000 judges, 170 court clerks, and 88 social assistants. In October 2011, MOJ and UNHCR organized a training session in Tangier for judges, police officers, gendarmerie and civil society members on national and international law related to human trafficking. The Ministry of Interior also reported that territorial police, border security officials, Royal Gendarmerie, and the Auxiliary Forces received training programs that include modules on human trafficking.

Protection

The Moroccan government demonstrated minimal efforts to protect victims of trafficking over the past year. It did not develop or employ systematic procedures to proactively identify victims of trafficking, and it continues to show weak efforts in identifying victims of all forms of trafficking, though it continued to refer victims to NGO-provided services. The government is also limited in its ability to provide sufficient staffing and funding resources to address human trafficking. The Ministry of Employment and Professional Development (MOEPT) employed 463 labor inspectors for the entire country, and 45 of the total 51 labor inspectorates in the country are trained and designated to child labor cases. The inspectors were hindered by minimal staffing and did not have the legal authority to enter homes, preventing them from investigating and identifying instances of child labor or child trafficking in domestic service situations. The government continued to make some progress in protecting child victims of violence found within the country, some of whom may be victims of trafficking, through its 75 "children reception centers" and three child safety centers for girls; however, it is unknown how many of the child victims receiving services at these centers were trafficking victims. The government made minimal efforts to protect Moroccan victims overseas, though the government reportedly provided assistance with travel documents and transportation home in 2011. Undocumented foreign trafficking victims were often treated as undocumented migrants, and reports from NGOs state that some victims have been arrested, detained, and deported. Undocumented migrants who arrived from Algeria were usually deported back to the Algerian border, reportedly often without food or water, and were susceptible to being robbed, assaulted, and sexually abused by criminal gangs that operate in the area. The government did not provide or fund protective services for foreign trafficking victims.

The government did not offer legal alternatives to the removal of foreign victims of trafficking to countries where they might face retribution or hardship. The government did not report if it encouraged victims to participate in investigations against traffickers. Sub-Saharan African women who were forced into prostitution in Morocco were unlikely to report crimes for fear of being treated as undocumented migrants and deported, though in reality, undocumented migrant women were rarely deported. Undocumented migrants have access to basic medical care at public health institutions.

Prevention

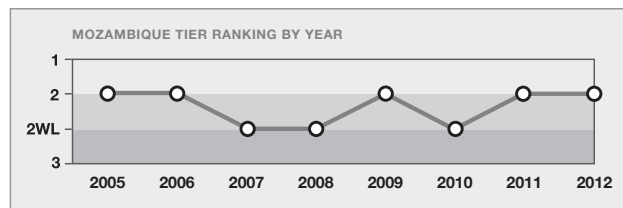
The Moroccan government made few efforts to prevent human trafficking over the last year. The government did not undertake campaigns to raise public awareness about human trafficking. Most child labor prevention programs focus on providing financial support and education to targeted families to ensure that children stay in school. In 2011, the MOEPT allocated the equivalent of \$187,500 to child labor prevention programs conducted by Moroccan NGOs focusing on awareness-raising and rescuing children. Two government-operated child protection units, an emergency telephone hotline, a mobile assistance program, and "women and children" focal points continued to assist vulnerable women and children in major cities in Morocco. The government reported in 2011 that labor inspectors visited 383 enterprises on potential incidents of child labor, filed 1,234 reports, issued 63 formal notices of warning, and imposed nine fines. Through these visits, inspectors identified and addressed cases of 119 child workers under the age of 15 years old and 397 child workers between the ages of 15 to 18; the government provided no information on possible assistance to the children. An inter-ministerial committee on coordination for trafficking issues comprised of representatives from multiple ministries did not meet formally during the reporting period. Authorities made no discernible efforts to raise public awareness of child prostitution and sex trafficking of women and did not take any reported measures to reduce the demand for commercial sex acts. The Moroccan government provided training on the issue of sex trafficking to Moroccan soldiers prior to their deployment abroad on UN peacekeeping missions. The Moroccan government has not implemented the legislative and policy recommendations enshrined in the IOM and UNHCR report on transnational human trafficking. Morocco ratified the 2000 UN TIP Protocol in April 2011.

MOZAMBIQUE (Tier 2)

Mozambique is a source, transit, and, to a lesser extent, destination country for men, women, and children subjected to forced labor and sex trafficking. The use of forced child labor is common in agriculture, including on tobacco farms, and in commercial activities in rural areas of the country, often with the complicity of family members. Women and girls from rural areas, lured to cities in Mozambique or South Africa with promises of employment or education, are exploited in domestic servitude and the sex trade. Young Mozambican men and boys are subjected to forced labor on farms and in mines in South Africa, where they often labor for months without pay and under coercive conditions before being turned over to police for deportation as illegal migrants. Some Mozambican adults are subjected to forced labor and forced prostitution in Portugal. Some women and

girls from Zimbabwe and Malawi who voluntarily migrate to Mozambique are subsequently subjected to sex trafficking or domestic servitude. Mozambican or South African trafficking networks are typically informal; larger Chinese and Nigerian trafficking syndicates are reportedly also active in Mozambique. In addition, South Asian alien smugglers who move undocumented South Asian migrants throughout Africa reportedly also transport trafficking victims through Mozambique. Recent reports indicate that South Asian citizens and companies in Mozambique pay the initial travel costs of illegal Bangladeshi and Pakistani migrants, whom they later maintain in bonded labor.

The Government of Mozambique does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In 2011, the government continued to increase its anti-trafficking law enforcement efforts, including more than doubling its number of trafficking prosecutions – totaling 11 new cases – and achieving seven convictions, some with significant prison sentences, under the 2008 anti-trafficking act; this data was reported as part of a new effort to track trafficking case data by province. The government instituted a new two-week course at its law enforcement training center for new officers. Despite these advances, the government made minimal efforts to protect trafficking victims, raise public awareness, and prevent the use of forced child labor.



Recommendations for Mozambique: Take concrete steps to finalize and issue necessary regulations to implement the protection and prevention provisions of the 2008 anti-trafficking law; develop a formal system to proactively identify trafficking victims among vulnerable populations and refer victims to care; continue to build the capacity of the police anti-trafficking unit, the labor inspectorate, and the Women and Children's Victim Assistance Units to investigate trafficking cases and provide short-term protection to victims; continue training for law enforcement officers in victim identification, particularly at border points; finalize the national action plan to coordinate the government's efforts, with resources allocated to its implementation; and investigate reports of official complicity in human trafficking and vigorously prosecute, where appropriate, those implicated in trafficking offenses.

Prosecution

The government demonstrated significant progress in its anti-trafficking law enforcement efforts during the reporting period. The Law on Preventing and Combating the Trafficking of People, enacted in 2008, prohibits recruiting or facilitating the exploitation of a person for purposes of prostitution, forced labor, slavery, or involuntary debt servitude. Article 10 prescribes penalties of 16 to 20 years' imprisonment for violations, penalties which are sufficiently stringent and exceed those for other serious crimes, such as rape. In 2011, the government compiled data on its anti-trafficking law enforcement efforts for the first time. It reported seven

investigations carried over from 2010, 15 new investigations, 11 prosecutions, six convictions, one acquittal, and 16 ongoing investigations carried into 2012, although it did not provide details on the facts in these cases. The court in Manica province convicted and sentenced two trafficking offenders to two years' imprisonment for the attempted trafficking of a child; further details regarding this case are unknown. In addition, at least one convicted trafficking offender in Sofala province received a sentence of eight years' imprisonment, while a conviction in Gaza province resulted in a sentence of 10 years' imprisonment. The remaining three cases that resulted in convictions carried sentences of less than two years' imprisonment. Police investigative techniques, training, capacity, and forensic abilities are known to be very weak, particularly outside of the capital. Local experts report that these shortcomings led to the acquittal of three alleged offenders in Manica province.

The Interior Ministry's investigative police maintained a seven-member unit that specialized in addressing violence against women and children nationwide, including handling trafficking cases, although the government did not report on the unit's specific anti-trafficking efforts in the last year. In late November and early December 2011, the government instituted a two-week anti-trafficking course at the police training center for all newly recruited police officers, border guards, customs and immigration agents, and rapid intervention police (riot police). The course, taken by 1,500 recruits in 2011, provided instruction on recognizing trafficking cases, protecting victims, the rights of children, domestic abuse, and child custody law. Separately, 120 customs, immigration, and border police agents received NGO-funded training on identifying trafficking cases.

During the reporting period, there were reported cases of government officials facilitating trafficking and trafficking-related crimes. Trafficking offenders commonly bribed law enforcement officials to allow them to move trafficking victims within the country and across national borders into South Africa and Swaziland, sometimes without passports. In January 2012, police in Beira announced the arrest of two Sofala Provincial Civil Identification Services officials for illegally providing Mozambican identity cards to four foreign citizens. Sources also reported an ongoing investigation at the Ressano Garcia border post, attempting to root out official corruption and possible complicity in illegal acts, which may or may not include trafficking.

Protection

The Government of Mozambique demonstrated little progress in its efforts to protect victims. The Ministry of Justice (MOJ) began drafting regulations for the non-criminal portions of the anti-trafficking law that would address assistance to victims. In parallel to this effort, in March 2012, the parliament approved a draft law on the protection of victims and witnesses of all crimes, including trafficking victims and those who cooperate with law enforcement in the investigation and prosecution of human trafficking cases. The government provided very limited funding to NGOs or international organizations undertaking anti-trafficking work in Mozambique. Government officials continued to rely on NGOs to provide shelter, counseling, food, and rehabilitation to victims. An NGO managed the country's only permanent shelter for child trafficking victims, while the Ministry for Women and Social Action funded the staff's salaries and the district of Moamba provided the land for the shelter. The government lacked formalized procedures

for identifying potential victims of trafficking and referring them to organizations providing protective services. The Interior Ministry's Women and Children's Victim Assistance Unit continued to operate facilities in over 200 police stations throughout the country that provided temporary shelter for an unknown number of trafficking victims and referred victims to NGOs offering services. In 2011, the Institute for Judicial Support, a government body that provides legal advice to the impoverished, began to offer legal assistance to abused women and children, including an unknown number of trafficking victims. The government offered very limited reintegration assistance to repatriated trafficking victims. The government encouraged victims to assist in the investigation and prosecution of trafficking offenders. The government did not provide temporary residency status or legal alternatives to the removal of foreign victims to countries where they might face hardship or retribution and it continued to deport foreign trafficking victims without screening them for possible victimization. Although NGO contacts reported no instances of trafficking victims having been detained, fined, or jailed for unlawful acts committed as a result of having been trafficked, the lack of formal identification procedures impaired the government's ability to ensure that no trafficking victims received such penalties.

Prevention

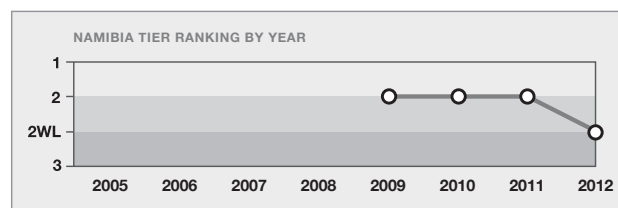
The Government of Mozambique demonstrated decreased trafficking prevention efforts during the reporting period and lacks a single national body to coordinate anti-trafficking efforts across ministries. A national action plan to combat human trafficking exists as a subsection of the government's current five-year anti-crime plan, and the MOJ began drafting an independent plan specific to trafficking. The Ministry of Labor employed labor inspectors, but they were too few in number, lacked resources such as transportation, and had generally not received adequate training regarding human trafficking. Consequently, the government did not adequately monitor for child trafficking and labor violations, especially on farms in rural areas, and judges frequently dismissed cases because inspectors did not properly prepare evidence. The number of public awareness campaigns decreased from the previous year, when the government was more active in distributing information on human trafficking to students, outgoing travelers, community leaders, and businesses. The government did not make an effort to reduce the demand for commercial sex acts during the year. In July and August 2011, the Caucus of Women Parliamentarians led delegations of public officials and civil society leaders to the cities of Quelimane and Nampula to conduct two days of training for local officials and to raise awareness among the public of the legal remedies provided by anti-trafficking, spousal protection, and family laws.

NAMIBIA (Tier 2 Watch List)

Namibia is a country of origin, transit, and destination for women, children, and possibly men subjected to forced labor and sex trafficking. Victims lured by promises of legitimate work for adequate wages may instead be forced to work long hours and carry out hazardous tasks in urban centers and on commercial farms. Traffickers in Namibia exploit Namibian children, as well as children from Angola, Zambia, and Zimbabwe, through forced labor in agriculture, cattle herding,

fishing, and domestic service as well as in prostitution. Tourists from southern Africa and Europe are among the clientele of children in prostitution in Namibia. Children are forced to care for the children of farm or factory workers and are also coerced to engage in criminal activity, including drug smuggling and robberies. Some adults subject the children of their distant relatives to sex trafficking or forced labor. Among Namibia's ethnic groups, San girls are particularly vulnerable to be trafficked for prostitution and forced labor on farms or in domestic service. Allegations arose during the year regarding the labor conditions at Chinese companies' construction sites in Namibia, including long hours and low wages for both Chinese and Namibian staff.

The Government of Namibia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, including its continued investigation of nine suspected traffickers and the initiation of one potential trafficking investigation in 2011, the government did not demonstrate evidence of overall increasing efforts to address human trafficking over the previous year; therefore, Namibia is placed on Tier 2 Watch List. The government failed to prosecute or convict trafficking offenders during the year and has not yet prosecuted or convicted a trafficking offender under any of its laws. During the year, the cabinet approved the Child Care and Protection Bill, which now awaits parliamentary debate and passage. The government also completed its renovation of three additional shelters for victims of gender-based violence, including trafficking. Although the government continued public awareness campaigns, it took no action to prosecute sex trafficking offenders and protect such victims.



Recommendations for Namibia: Greatly increase efforts to investigate and prosecute trafficking offenses and convict and punish trafficking offenders under existing legislation, including the Prevention of Organized Crime Act (POCA); train law enforcement officials on the anti-trafficking provisions of the POCA and other relevant legislation; establish a formal process for the identification of victims and their subsequent referral to care among law enforcement, immigration, labor, and social welfare officials; continue to dedicate adequate time and resources to complete ongoing shelter and safe house renovations; strengthen coordination of anti-trafficking efforts across the government; conduct national anti-trafficking public awareness campaigns; and collect data and maintain databases on trafficking cases.

Prosecution

The Government of Namibia made modest anti-trafficking law enforcement efforts during the year, as it failed to prosecute or convict trafficking offenders. In May 2009, the government enacted the POCA of 2004, which explicitly criminalizes all forms of trafficking. Under the POCA, persons who participate in trafficking offenses or aid and abet trafficking offenders may be imprisoned for up to 50 years and fined up to the equivalent